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National Association
State Dairy and Food
Departments

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Swift's Premium Hams and Bacon
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We give quality of goods that a rival can hardly equal—a standard of uniformity and honest weight—a package that will please you and hold the eye of your customer. This is a guarantee that you can hold your trade, increase your sales and add to your profit. Send us a postal and we will tell you how to prepare for prosperity.

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Jim Dumps was quite cast down
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The crowds all seemed to pass
him by!
At last he piled his windows
high
With "Force," and now, what luck
for him!
A busy man is "Sunny Jim."

"Force"

The Ready-to-Serve Cereal

**helps business by
helping health.**

Sweet, crisp flakes of wheat and malt—eaten cold.

We have never seen an article which has made friends with the trade so quickly as "FORCE."
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"FORCE" is now in the lead.—*Bissman Co., Mansfield, O.*

I am having great success in selling "FORCE," and must say it is the best thing I have had for some time.—*H. E. Clawson, Lewisville, Ind.*

"FORCE" has proven to be a good seller. Customers say they could not get along without it.—*F. L. Isted, Cable, Wis.*

I must say that your "FORCE" is selling fast.—*G. B. Sicori, Galveston, Tex.*



JOURNAL OF PROCEEDINGS
OF THE
SIXTH ANNUAL CONVENTION
OF THE
**National Association
of State Dairy and Food
Departments**

HELD AT
PORTLAND, OREGON

CONTAINING

Proceedings of the Sixth Annual Convention,
The Dairy and Food Laws of All the States and
Territories with State and United States Supreme
Court Decisions Thereon. Also Rulings and
Tables of Standards Adopted by the Differ-
ent State Commissions in the United States.

*"Does it not matter to us as a nation,
What we feed our babies,
What we bring into our homes, on which
To bring up the rising generation?"*

Published
Under the Personal Direction of the
National Association of State Dairy and Food Departments

Next Annual Convention, St. Paul, Minn., July 21st, 22d, 23rd and 24th, 1903



Dr. V. C. Price

President of the PRICE FLAVORING EXTRACT COMPANY, is well-known as an expert in the study of Culinary Chemistry and a pioneer in the production of pure food products. His researches have extended over a period of nearly half a century, and he was one of the first to place in the market articles for culinary purposes that are STRICTLY pure and wholesome. Years ago he vigorously agitated PURE FOOD products and is to-day one of the strongest advocates of PURE FOOD laws.

Finally, after nearly half a century of effort, he confidently launched "DR. PRICE'S TRYABITA FOOD," the only wheat flake celery food. This food is considered a triumphant success. Its inherent merit and quality will win its way to the top as have his CREAM BAKING POWDER AND DELICIOUS FLAVORING EXTRACTS.

Dr. Price invites criticism from scientific culinary chemists and from the educated palate of the epicure.

Dr. V. C. Price

INTRODUCTORY.

PURE FOOD is as necessary to good health as pure air is essential to long life, hence thoughtful minds throughout the world recognize the importance of pure food as the great promotor of the future welfare of mankind. For the purpose of protecting and safe-guarding the people, nearly every State in the country has statutes calculated to afford protection, and an aroused public sentiment has demanded the establishing of pure food commissions in the various States of the Union, which, while perhaps not fulfilling all the expectations of their promoters, it is the consensus of opinion that working in harmony with one another in perfecting UNIFORM LAWS, RULINGS AND LABELS of the different States of the Union, great good has already been accomplished. The aim of these commissions is now more clearly defined, and the future with a *National Pure Food Law* on the statute books from which the several States can adopt the principal features, the present and rising generation can feel assured of absolutely Pure Food Products all over this vast country.

In harmony with this idea the National Association of State Dairy and Food Departments determined at its last Annual Convention held at Portland, Oregon, to again present to the public in convenient shape, the proceedings of the meeting, together with the rulings and tables of standards of the various States relative to food products, as well as the Dairy and Food laws of all States and Territories with State Supreme and United States Supreme Court decisions affecting the same. Also a complete and revised list, with half tone cuts of the officials of the several State Dairy and Food Departments.

The increased inquiry for pure food being expected as the result of business announcements in these pages, carrying with it the guarantee of the purity of the products offered the consuming public, will serve the double purpose of increased demand for pure food goods and restrict the sale of adulterated ones.

Yours truly,

J. W. BAILEY, *President.*

R. M. ALLEN, *Secretary and Treasurer.*

National Association of State Dairy and Food Departments.

Armour's Shield Brand Lard



FOR THE UPPER CRUST

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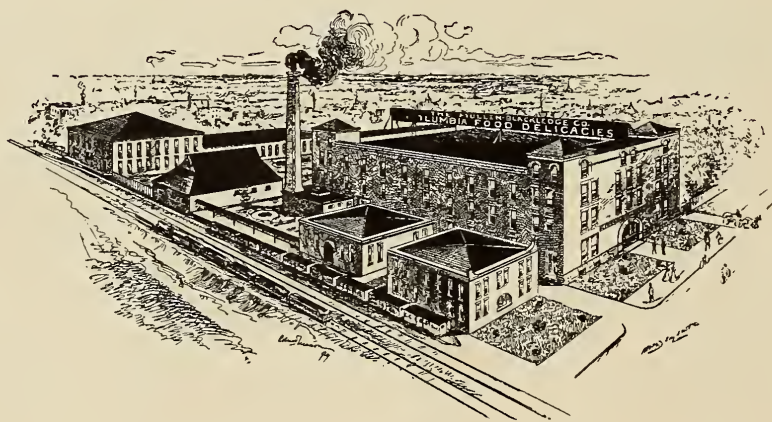
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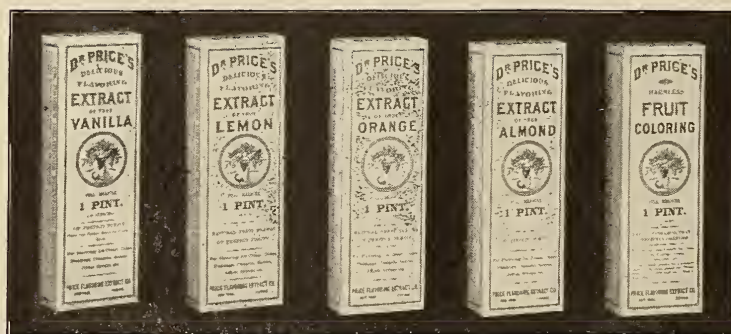
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MEMORIAL

PRESENTED BY THE NATIONAL ASSOCIATION OF STATE DAIRY
AND FOOD DEPARTMENTS.

A National Food Law.

AN ACT

For the Establishment of a Food Bureau in the Department of Agriculture, and for Preventing the Adulteration and Misbranding of foods in the District of Columbia and the Territories, and for Regulating Interstate Commerce Therein, and for Other Purposes.

Re it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: That for the purpose of protecting the commerce in food products between the several States and in the District of Columbia and the Territories of the United States, and with foreign countries, there is hereby created within the Department of Agriculture a Food Bureau, the head of which shall be known as the Food Commissioner, who shall be appointed by the President, and shall receive for his services an annual salary of five thousand dollars. His term of office shall be for four years and until his successor is appointed and has qualified. The Food Commissioner shall, with the approval of the Secretary of Agriculture, appoint a Chief Chemist, who shall receive for his services an annual salary of three thousand six hundred dollars. The Food Commissioner, under the direction of the Secretary of Agriculture, shall prescribe all rules and regulations of the food bureau, and shall analyze, or cause to be analyzed or examined, microscopically or otherwise, samples of food offered for sale in any State or Territory other than where manufactured, or from a foreign country. The Food Commissioner, with the approval of the Secretary of Agriculture, is hereby authorized to employ such chemists, experts, inspectors, clerks, laborers, and other employes as may be necessary to carry out the provisions of this Act, and make such publication of the results of examinations and analyses as he may deem proper, as hereinafter provided in section three of this Act.

Sec 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or foreign country, of any article of food which is adulterated or mis-branded within the meaning of this Act is hereby prohibited, and any person, partnership or corporation, and the agent and representative of any person, partnership or corporation, who shall ship or deliver for shipment—common carriers excepted—from any State or Territory or the District of Columbia or foreign country to any other State or Territory or the District of Columbia or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia or foreign country—common carriers excepted—or who, having received, shall deliver for pay, or otherwise, or offer to deliver to any other person any such article so adulterated or mis-branded within the meaning of this Act, or any person, partnership or corporation and the agent and repre-

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sentative of any person, partnership or corporation, who shall sell or offer for sale in the District of Columbia or the Territories of the United States such adulterated or mis-branded foods, shall be guilty of a misdemeanor, and for such offense shall be fined not exceeding two hundred dollars for the first offense, and for each subsequent offense not exceeding three hundred dollars, or be imprisoned not exceeding one year, or both, in the discretion of the court.

Sec. 3. That the Food Commissioner shall make or cause to be made examinations of specimens of foods offered for sale in any State or Territory other than that in which they shall have been respectively manufactured or produced, or from any foreign country, or intended for shipment to any foreign country, which may be collected from time to time under rules and regulations to be prescribed by the Food Commissioner, and publish in bulletins the results of such analyses. If it shall appear from such examinations that any of the provisions of this act have been violated, the Food Commissioner shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analyses, duly authenticated by the analyst, under oath.

Sec. 4. That it shall be the duty of every district attorney, to whom the Food Commissioner shall report any violation of this Act, to cause proceedings to be commenced and prosecuted, in the name of the United States, without delay, for the fines and penalties in such case provided, which fines and penalties shall be disposed of in the same way as the moneys received under Section 11 of this Act.

Sec. 5. That the term "food," as used in this Act, shall include all articles used for food, confectionery, flavoring, drink, or condiment by man, whether simple, mixed, or compound. The term "mis-branded," as used herein, shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substance contained in such article, which statement shall be false or misleading in any particular; or any statement purporting to name the substances of which said article is made, which statement shall not fully give the names of all the substances contained in measurable quantities in such article, or which shall be false as to the State, Territory, or country in which the article is manufactured or produced.

Sec. 6. That for the purposes of this Act, an article shall be deemed adulterated, in the case of food or drink:

First. If any substance or substances has or have been mixed with it, so as to reduce or lower or injuriously affect its quality, strength and purity.

Second. If any substance or substances has or have been substituted wholly or in part for it.

Third. If any valuable constituent or ingredient of the article has been wholly or in part abstracted.

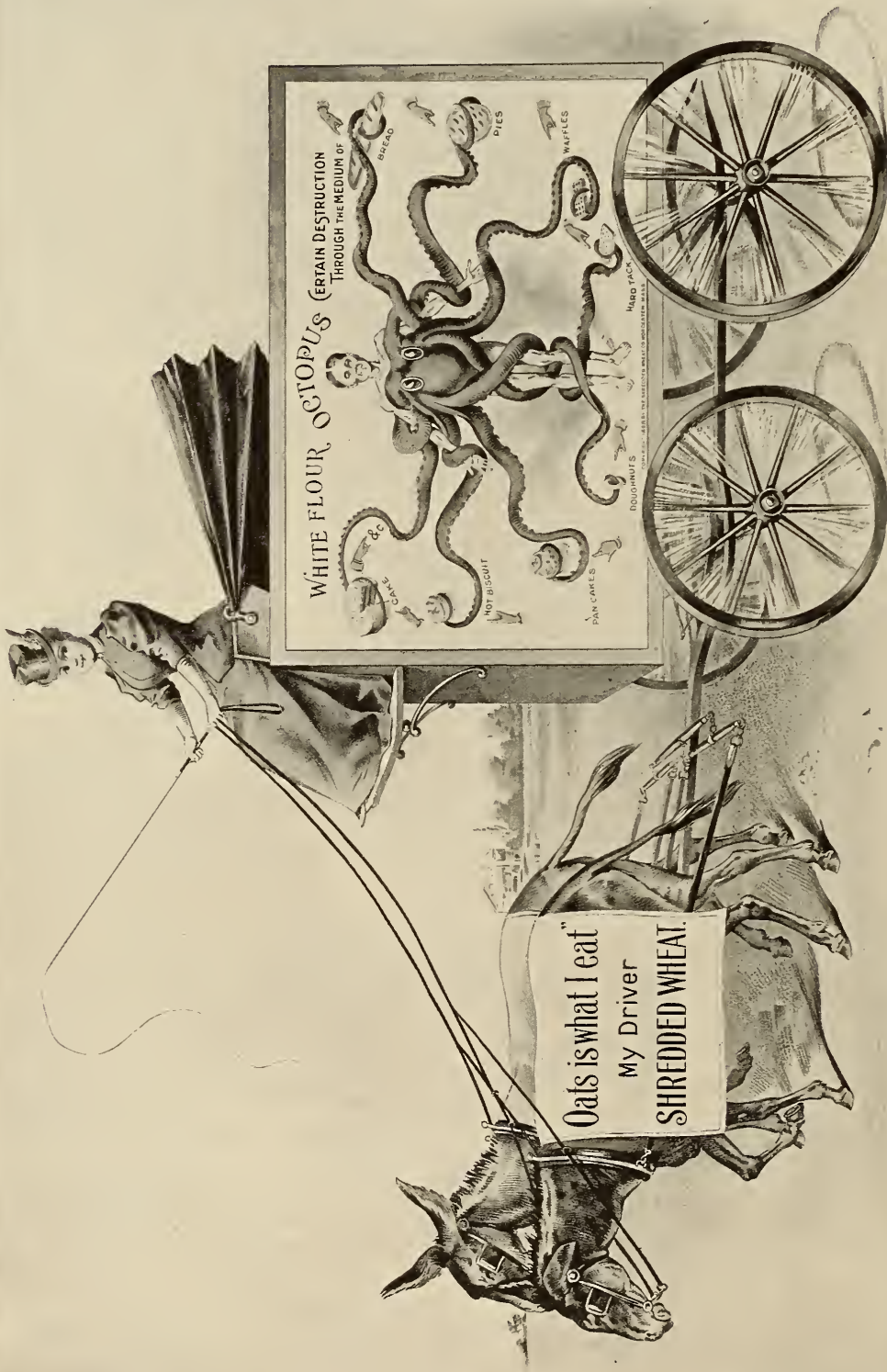
Fourth. If it be an imitation of, or sold under the name of, any other article.

Fifth. If it be mixed, colored, coated, powdered, polished, or stained in a manner whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

Sixth. If it contain any poisonous ingredient, or any ingredient which may render such article injurious to health.

Seventh. If it be labeled or branded so as to deceive or mislead, or tend to deceive or mislead, the purchaser.

Eighth. If it consist of the whole or part of a diseased, filthy or decomposed animal or vegetable substance, or any portion of an animal unfit for food—whether manufactured or not—or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter: Provided, that articles of food which shall be labeled, branded, or tagged, as prescribed by the Food Commissioner, show-



Can any man have a Higher notion of the rule of right and eternal fitness of things.

Man's intelligence is great, but he cannot make a grain of wheat - it's origin is divine; nor can he by removing a part of the perfect whole make a food suited to man's condition. (Read the above carefully and then determine for yourself if you think a law is necessary to compel you to sell proper food only, or whether the pleasure of doing your duty and the increasing trade that would follow so wise a policy is not a better stimulus in the right direction.)

THE NATURAL FOOD COMPANY, NIAGARA FALLS, N. Y.
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ing their exact character, and which do not contain any poisonous ingredient or ingredient injurious to health, shall not be deemed to be adulterated in the following cases:

First. In the case of mixtures or compounds sold under their own distinct names, or under coined names, which may now or from time to time hereafter be known as healthful articles of food, and which are not an imitation of, or sold under the name of, any other article.

Second. When any matter or ingredient has been added to the food because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and does not fraudulently increase the bulk, weight, or measure of the food, or conceal the inferior quality thereof.

Third. When the food is unavoidably mixed with some extraneous matter in the process of collection and preparation.

Sec. 7. That the Food Commissioner, under the direction of the Secretary of Agriculture, is hereby authorized to cause all food products whether simple, compound, mixed, or blended, to be properly branded, and prescribe how this shall be done: Provided, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas, except in so far as may be necessary to secure freedom from adulteration, imitation, or fraud.

Sec. 8. That it shall be the duty of the Food Commissioner, under the direction of the Secretary of Agriculture, to fix standards of food products, and to determine the wholesomeness or unwholesomeness of preservatives or other substances which are or may be added to foods. To aid him in reaching just decisions in such matters he is authorized, subject to the approval of the Secretary of Agriculture, to appoint for a term of four years, one physician, one food analyst, one physiologist and pharmacologist, one medical officer of health, and one representative of food manufacturers and producers, at a salary of three thousand dollars per annum each, to be known as the Committee on Food Standards, each of whom shall be an expert and a recognized authority upon the subject embraced by his profession. The Committee on Food Standards shall decide as to the wholesomeness or unwholesomeness of preservatives or other substances which are found in or may be added to foods, and recommend standards for foods and food products, and also recommend the character of the label which it shall be lawful to use upon each article of food or food product. The standard of each article of food or food product agreed upon and recommended by said committee, and approved by the Food Commissioner and the Secretary of Agriculture, shall be the standard to which all articles of food or food products manufactured for sale, offered for sale, exposed for sale, sold or exchanged, shall conform. It shall be the duty of the Secretary of Agriculture to publish, from time to time, the decisions of said committee for the information of the public and said decisions, when duly approved and certified by the Food Commissioner and the Secretary of Agriculture, shall be admitted as *prima facie* evidence in the United States courts.

Sec. 9. That every person, partnership or corporation, and the agent or representative of any person, partnership or corporation, who manufactures for shipment and delivers for transportation, from any State, Territory, or District of Columbia to any other State, Territory, or the district of Columbia any article of food, and every person, partnership or corporation and agent or representative of any person, partnership or corporation, who exposes for sale or delivers to a purchaser any article of food received from a State, Territory, or the District of Columbia other than the State, Territory, or the District of Columbia in which he exhibits for sale or delivers such article of food, shall furnish to any person duly authorized by

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the Food Commissioner to receive it, applying within business hours, a sample of such food article in his possession in sufficient quantity for examination and analysis, upon tender of payment of the selling price of such article. And in the presence of such dealer and said duly authorized agent of the Food Commissioner, if so desired by either party, said sample shall be divided into two parts and each part shall be sealed by a seal of a design to be prescribed by the Food Commissioner. One part shall be left with the dealer and one delivered to the chemist of the food bureau.

Sec. 10. That whoever refuses to comply, upon demand, with the requirements of section nine of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not to exceed one hundred nor less than twenty-five dollars, or imprisoned not exceeding one hundred nor less than thirty days, or both. And any person, partnership or corporation, and the agent or representative of any person, partnership or corporation, found guilty of manufacturing, offering for sale, having in possession with intent to sell, or selling an adulterated, impure, or mis-branded article of food in violation of the provisions of this act shall be adjudged to pay, in addition to the penalties heretofore provided for, all the necessary costs and expenses incurred in inspecting and analyzing such adulterated articles which said person may have been found guilty of manufacturing, offering for sale, selling, or having in possession with intent to sell.

Sec. 11. That all manufacturers, manipulators, compounders, or mixers of compound, mixed, or imitation food intended for interstate or foreign traffic, shall make application to register said products for any State or foreign transportation to the Secretary of Agriculture, and in such application certify under oath, that the article or articles manufactured, manipulated, compounded, or mixed are not deleterious or injurious to health, and agree to brand or pack said articles as prescribed by the rules of the Food Commissioner; and upon the payment of ten dollars the Secretary of Agriculture shall register such individual, firm, or corporation and have issued a certificate of registration, under the rules prescribed by him, of each and every article described, as herein provided; and said certificate of registration, together with the label, brand, or package prescribed, shall be lawful evidence of compliance with the provisions of this act to all transportation companies engaged in interstate or foreign traffic. All moneys received under this section shall be covered into the Treasury of the United States, and to be appropriated by Congress for the purpose of properly carrying out the provisions of this act, or for such other purposes as may be deemed advisable in connection with the work of the Department of Agriculture. Any failure to comply with the provisions of this section shall be a misdemeanor punishable as is provided for a misdemeanor under Section 2 of this act.

Sec. 12. That any article of food that is adulterated within the meaning of this act, and is transported or is being transported from one State to another or to a foreign country for sale, or that is sold or offered for sale or had in possession with intent to sell in the District of Columbia and the Territories of the United States, shall be liable to be proceeded against in any district court of the United States, within the district where the same is found and seized for confiscation, by a process of libel for condemnation. And if such article is condemned as being adulterated, the same shall be disposed of as the court may direct, and, if sold, the proceeds thereof, less the legal costs and charges, shall be paid into the Treasury of the United States. The proceedings in such libel cases shall conform, as near as may be, to proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in such case, and all such proceedings shall be at the suit of, and in the name of, the United States.



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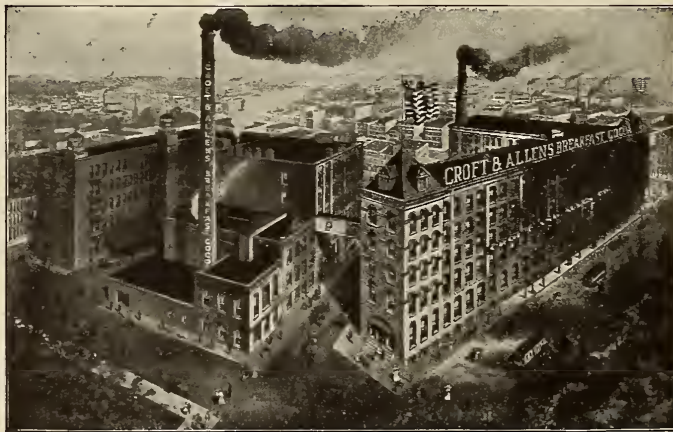
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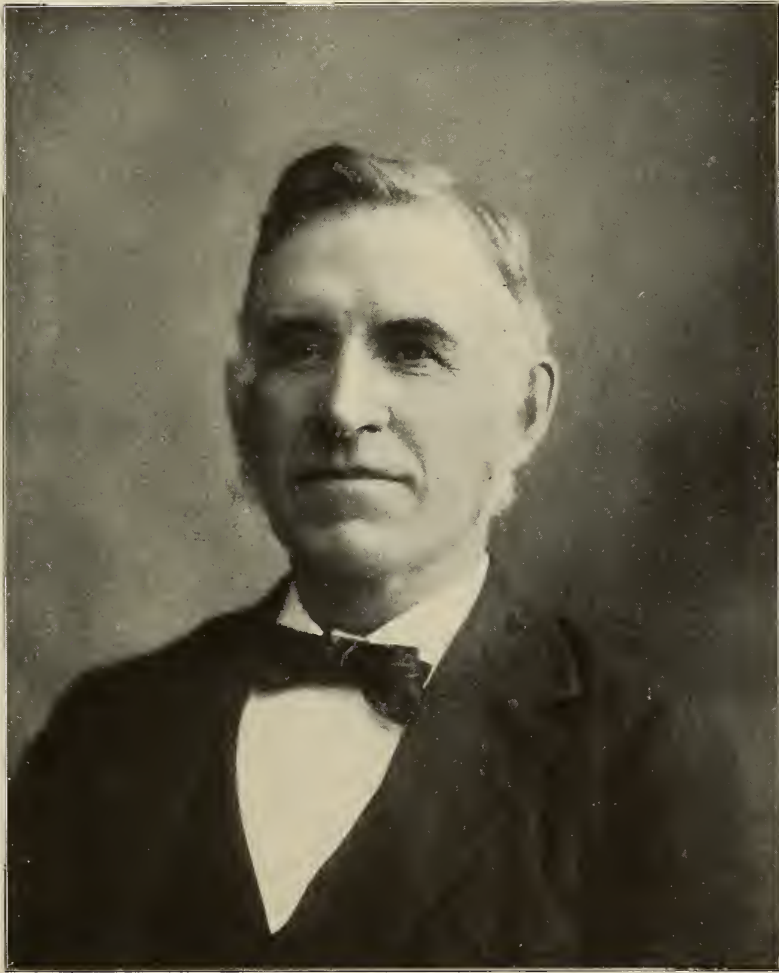
Buy one case of cocoa at your jobbers and offer every can of it on these terms. It is pure, fine cocoa and the *PUREST OF MILK*.



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One doesn't tire of delicious Cream of Wheat
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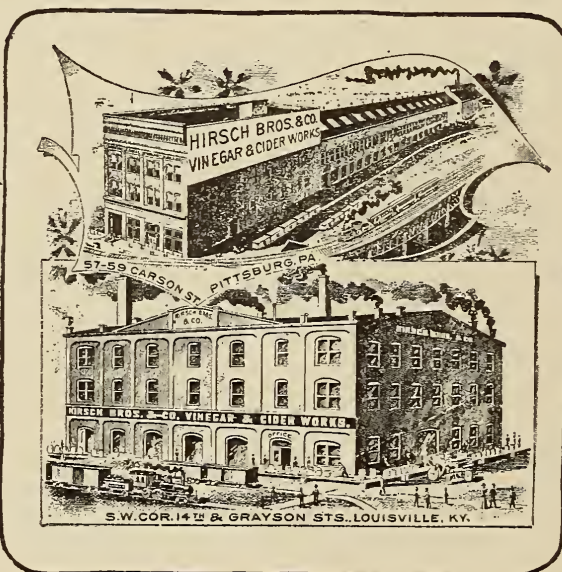
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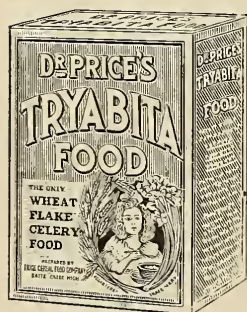
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Forty years ago I started out with this single purpose in view and to achieve this I have concentrated all my abilities as a physician, chemist and practical manufacturer, and finally with entire confidence, place upon the market DR. PRICE'S TRY-A-BITA WHEAT FLAKE CELERY FOOD, the triumphant achievement of a life-time. Its inherent merit and scientific preparation will win its way to the top, as have Dr. Price Cream Baking Powder and Dr. Price's Delicious Flavoring Extracts.

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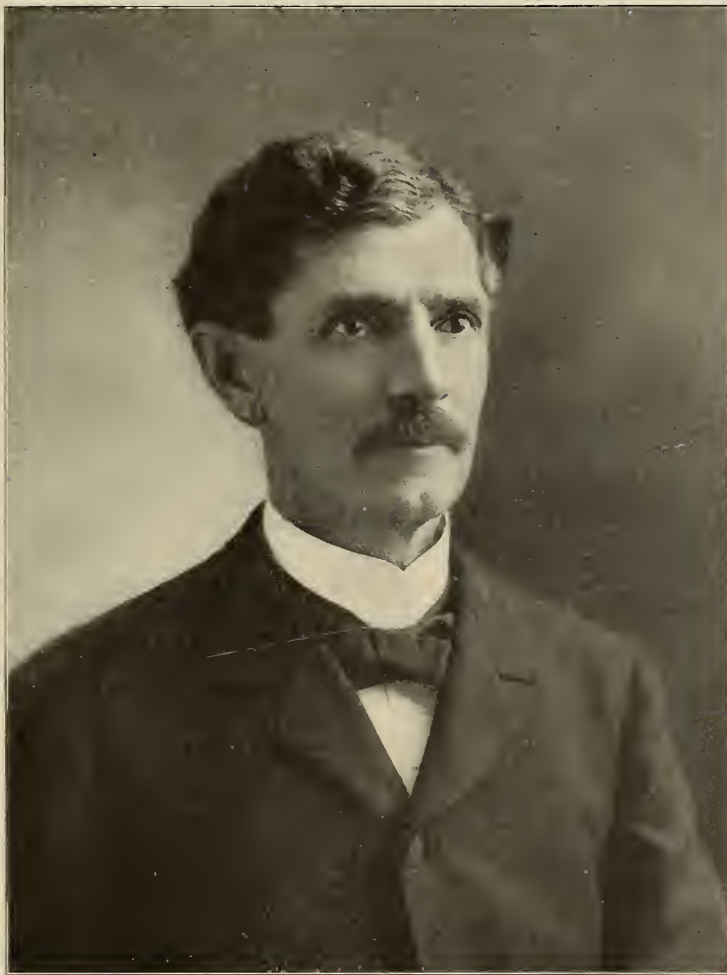
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PURE FOOD LAWS OF ALABAMA.

The State of Alabama has few laws on the subject of pure food. It has no Food and Dairy Commission nor any department specifically charged with the enforcement of such laws as are on the statute books, with the exception of that law which prescribes that it is the duty of the Commissioner of Agriculture to "examine into the sale or delivery of any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance, etc.," as hereinafter set forth. A digest of the laws is as follows:

UNWHOLESOME FOOD AND ADULTERATED LIQUORS AND CANDIES. VOLUME 1, CHAPTER 182, CRIMINAL CODE, 1896.

Sec. 5321. Provides that any butcher or person who sells, offers or exposes for sale, or permits his agent or any person for him to sell, offer or expose for sale any tainted, putrid or unwholesome fish or flesh or the flesh of any animal dying otherwise than by slaughter or slaughtered when diseased for the purpose of being sold or offered for sale, must, on conviction, be fined not less than \$20 nor more than \$200, and may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months.

Sec. 5322. Any baker or person who sells, offers or exposes for sale or permits his agent or any person for him to sell, offer or expose for sale any bread made from sour or unwholesome flour must upon conviction be fined not less than \$20 nor more than \$200 and may be imprisoned as in the foregoing section.

Sec. 5323. Any person who sells, offers or exposes for sale any bread, biscuit or cracker without having the name or the initials of the Christian and surname of the baker legibly marked on each biscuit, cracker or loaf of bread must upon conviction be fined not more than \$20.

Sec. 5324. Any person who counterfeits the name or initials of another on any bread, biscuit or cracker or marks any bread, biscuit or cracker with any other initials or name than his own must on conviction be fined not less than \$20 nor more than \$50.

Sec. 5325. Provides that any merchant, grocer, or other person who mixes any foreign matter or substance with sugar, syrup, mo-

lasses, lard or butter or other article of food to the detriment thereof or sells, offers or exposes for sale such adulterated sugar, syrup, molasses, lard or butter or other article of food or suffers his servants, agents or other persons for him to so adulterate, sell, offer or expose for sale such adulterated sugar, etc., as aforesaid, must, on conviction, be fined not less than \$50 nor more than \$500, or may be imprisoned in the county jail or sentenced to hard labor for the county not more than six months.

Sec. 5326. Provides that any person who renders, manufactures, sells, offers or exposes for sale or has in possession with intent to sell or serve to persons, guests, boarders, or inmates of any hotel, eating house restaurant, dining car, boarding house, public or private hospital, school or penal institution, any article, product or compound made wholly or in part of any fat, oil, oleaginous substance or compound not produced directly from unadulterated milk or cream from the same which shall be an imitation of yellow butter produced from pure unadulterated milk or cream from the same must, upon conviction, be fined not less than \$20 nor more than \$200; but this section shall not be construed to prohibit the sale of oleomargarine in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter, having it stamped with its true name.

Note. This statute has been held as a valid exercise of the police power.

Sec. 5327. Any manufacturer, brewer, distiller, grocer, tavern-keeper, retailer of spirituous, vinous or malt liquors or any person who makes, distills, sells, offers or exposes for sale or permits his agent or other person for him to do, any such liquors which have been adulterated by the mixing of any poisonous or unwholesome substance or which are composed in whole or in part of any drug or oil, must, upon conviction, be fined not less than \$250 nor more than \$1,000.

Sec. 5328. Provides any person, firm or corporation that shall manufacture, knowingly sell, give away or keep for sale any candies or confectionery of any kind adulterated by the admixture of Terra Alba, Barytes, Talc or other mineral substances, poisonous coloration, flavors or extracts or other ingredients injurious to health, shall be guilty of a misdemeanor punishable by a fine not less than \$50 nor more than \$500, and may be imprisoned in the county jail or sentenced to hard labor for the county not exceeding six months.

VOLUME 1, CIVIL CODE, 1896.

DUTY OF COMMISSIONER OF AGRICULTURE.

Sec. 376. Paragraph 20. Provides that he shall from time to time inquire and examine into the sale and delivery in the state of any article, product or compound made wholly or in part out of any fat, oil, oleaginous substance or compound thereof not produced directly at the time of manufacture from unadulterated

milk or cream from the same, which shall be an imitation of yellow butter produced from pure, unadulterated milk or cream from the same, and for the purpose of making such investigation he is authorized to summon and examine witnesses and administer oaths to them whenever he has reason to believe that an offense has been committed against the laws, which it shall be his duty to so report, together with the evidence in the case, to the solicitor of the proper circuit or county to be laid before the grand jury.

SUPREME COURT DECISIONS OF ALABAMA ON FOOD LAWS.

IMITATION BUTTER LAWS. VALIDITY.

Statutes which prohibit the manufacture of substitutes or imitations of butter are a valid exer-

cise of the police power of the state and as such are constitutional. *Cook vs. State*, 110 Ala. 40.

PURE FOOD LAWS OF ALASKA.

The Territory of Alaska has no Food or Dairy Commission nor a department specifically charged with the enforcement of the laws relating to the adulteration of food, drinks and drugs. A digest of such laws as are in force is as follows:

CHAPTER 10, PENAL CODE.
OFFENSES AGAINST PUBLIC HEALTH.

Sec. 156. Provides that if a person knowingly sell any kind of diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, such person shall be punished by imprisonment in the county jail not less than three months nor more than one year, or fined not less than \$50 nor more than \$500.

Sec. 157. Provides that if any person adulterate for the purpose of sale any substance intended for meat or drink with any substance injurious to health, or sell or offer for sale any substance so intended, knowing the same to be so adulterated, such person shall be punished as in the last preceding section.

Sec. 158. Provides that if any person shall adulterate for the purpose of sale any drug or medicine so as to render the same injurious to health, or knowingly sell or offer for sale any adulterated drugs or medicine, such person shall be punishable as provided in the preceding section.

Sec. 159. Provides that any person who shall put any sewage, drainage, refuse, or pollution, which may as by itself or in connection with other matter corrupt or infect the water of any spring, well, brook, creek, branch or

pond which is used or may be used for domestic purposes, they shall be deemed guilty of a misdemeanor.

Sec. 160. Provides that any person who puts a dead animal, carcass or part thereof, excrement, putrid, nauseous or offensive substance, or in any other way befoils or pollutes the quality of any spring, brook, creek, branch or pond of water which is or may be used for domestic purposes, shall be deemed guilty of a misdemeanor.

Sec. 161. Any person violating the provisions of either of the two last preceding sections shall be punishable by fine not less than \$10 nor more than \$50, or imprisoned not less than five nor more than twenty days, or both fine and imprisonment.

Sec. 163. If any person sell or deliver any arsenic, corrosive sublimate, prussic acid, or other poison, without having the word "Poison" and the true name thereof in English written or printed upon the label attached to the vial, box or parcel containing the same, such person shall be punishable by a fine of not less than \$20 nor more than \$100.

LABELS.

CHAPTER 4.

Sec. 84. Provides that any person who shall knowingly use a brand, label, stamp or trademark in such a manner as to deceive any one shall be punishable by imprisonment in the county jail not less than one nor more than six months, and be fined not less than \$20 nor more than \$300.

PURE FOOD LAWS OF ARIZONA.

The Territory of Arizona has no Food or Dairy Commission, nor any department specifically charged with the enforcement of such laws on this subject as are on the Statute Books. A digest of the laws on the subject in force in the territory is as follows:

TITLE X. PENAL CODE.

Sec. 337. Provides that every person who adulterates any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article used in compounding them, with fraudulent intent to offer the same or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps, or offers for sale the same as unadulterated or undiluted is guilty of a misdemeanor.

Sec. 338. Provides that any person who knowingly sells, offers for sale or disposes of any article of food, drug, drink or medicine, knowing the same to be tainted, decayed, spoiled, unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Sec. 310. Every person who sells or keeps for sale any goods upon which any counterfeit trade-mark has been affixed intending to represent such goods as the genuine goods of another, knowing the same to be counterfeit, is guilty of a misdemeanor.

Sec. 312. The term "trade-mark" as used in section 310 includes every description of words, letters, devices, emblems, stamp, brand, imprint, label or wrapper usually affixed by any merchant, manufacturer, druggist, or tradesman to denote any goods to be goods imported, manufactured or sold by him, other than any name, word or expression denoting goods to be of some particular class or description.

Sec. 348. Provides that every person or corporation who shall manufacture for sale or who shall offer or expose for sale within the Territory of Arizona any article or substance in semblance of butter not the legitimate product of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part, or into which the oil or fat of animals not produced from milk has been introduced to take the place of cream, shall distinctly brand, stamp or mark in some conspicuous place on each package of such article or substance the word "Oleomargarine" in plain letters, not less than one-quarter of an inch square. In case of retail sale of such article or substance the seller shall in all cases deliver therewith to his customer or purchaser a printed label bearing the plainly printed word "Oleomargarine," the word to be printed with type, each letter of which shall not be less than one-quarter of an inch square.

Sec. 349. Every person selling or retailing any article or substance described in section 348 shall keep conspicuously printed in not less than three exposed positions in or about their respective places of business a printed notice in the following words: "Oleomargarine sold here," said notice to be plainly printed with letters not less than two and one-half inches square each, and every hotel keeper, restaurant or boarding-house keeper or proprietor of other places where meals are furnished for pay using such article described in section 348 shall, upon furnishing the same to his guests or customers, if inquiry in the matter be made, cause each and every guest or customer to be distinctly informed that the said article is not butter, but oleomargarine.

Sec. 350. Any person violating any of the provisions of the two preceding sections is guilty of a misdemeanor.



PURE FOOD LAWS OF THE STATE OF ARKANSAS.

This state has not made any provision for a Food and Dairy Commission, nor have its laws specifically charged any department with the enforcement of what few laws there are on the subject of Pure Food, with the exception of that law which provides that the Governor shall appoint a competent Inspector of Wine as hereinafter set forth, but it does not appear that said Inspector is charged with the inspection of any other articles of food, drink, or medicine. A digest of the laws is as follows:

UNWHOLESOME MEAT, FISH, VEGETABLES, ETC.

CHAPTER 48.

Sec. 1585. Provides that whoever shall knowingly sell, offer or expose for sale, or bring or have brought to this state or sell or offer for sale, or have in possession with intent to sell for food, the flesh of any animal that died otherwise than by slaughter, or slaughtered when diseased, or sell or offer for sale the flesh as of one animal knowing it to be another species, or offer for sale any tainted, diseased, corrupt, decayed, or any unwholesome meat, fish, fowls, vegetables, or produce, or provisions of any kind whatever, without making the same fully known to the purchaser, or sell or offer to sell the meat of any calf which was killed before it had attained the age of six weeks, shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$500 or by imprisonment in the county jail not exceeding six months.

ADULTERATED BUTTER.

Sec. 1586. Whoever shall sell any article, substance, or compound made in imitation or semblance of butter or as a substitute therefor, not made exclusively of milk or cream, containing any oils, fats, or grease not produced from milk or cream, shall have the words "Adulterated Butter"; or if such substitute is a compound known as "Oleomargarine" or "Butterine," or if it is known by any other name, the word "Oleomargarine" or "Butterine," or such name as shall describe it properly, shall be stamped, labeled, or marked in printed letters of plain Roman type, not less than one inch in length, not easily defaced, upon the top and side of every tub, firkin, box, or package containing such article or compound; and in case of retail sales of such articles, substance, or compound the seller shall attach or cause to be attached to each package so sold and delivered therewith to the purchaser a label appearing in

a conspicuous place upon the outside of such package with the words "Adulterated butter" or the word "Oleomargarine" or "Butterine" or such other word or words as will correctly describe such article, as hereinbefore provided, in printed letters of plain Roman type, not less than one-half inch in length.

Sec. 1587. Whoever shall sell or expose for sale or possess with intent to sell any article, substance, or compound in imitation or semblance of butter or as a substitute therefor, except as provided in Sec. 1586, and whoever shall deface, erase, cancel, or remove any mark, stamp, brand, or label provided for by this act, or change the contents of box, tub, firkin, or package marked, stamped, or labeled as aforesaid, with intent to deceive the purchaser, shall be guilty of a misdemeanor, and upon conviction be fined not less than \$50 nor more than \$500.

Sec. 1588. If any hotel, inn, or restaurant or boarding-house keeper shall set before his guests at any meal any of said article, substitute, or compound, the dish or plate holding the same shall have clearly and visibly marked on some prominent part thereof the words "Adulterated butter," or the word "Oleomargarine" or "Butterine," or such word or words as may correctly describe such article in said dish or plate.

Sec. 1589. Whoever shall violate the provisions of Sec. 1588 shall be guilty of a misdemeanor and upon conviction fined not less than \$5 nor more than \$100.

Sec. 1590. The term "Butter" shall be understood to mean the product known by that name, which is manufactured exclusively from milk and cream.

SESSION LAWS OF 1901. PAGE 180.

ACT CXIII.

ADULTERATED CANDY.

Sec. 1. Provides against the sale or offering for sale of any candy adulterated by the admixture of Terra Alba, Barytes, Tale, or any other mineral substances consisting of or adulterated by poisonous colors or flavors or other ingredients detrimental or injurious to health.

Sec. 2. Provides a fine for violation of this act not to exceed \$100 nor less than \$50.

Sec. 3. Provides that such candy shall be destroyed under orders of the court.

Sec. 4. Repeals all laws conflicting herewith and provides this act shall take effect from and after its passage.

Approved April 20, 1901.

HICKMOTT

Asparagus Canning Co.

GROWERS AND PACKERS OF

The Finest Asparagus in the World,

Also Artichokes, Terrapin and Turtle Meats,

AT BOULDIN ISLAND, SAN JOAQUIN CO., CAL.

OFFICE: NO. 3 CALIFORNIA ST.

SAN FRANCISCO, CAL.

BRANDS:



Peeled Asparagus
in glass.

Signature.
Golden Crown.
R. H.
El Capitan.
Silver Crescent.

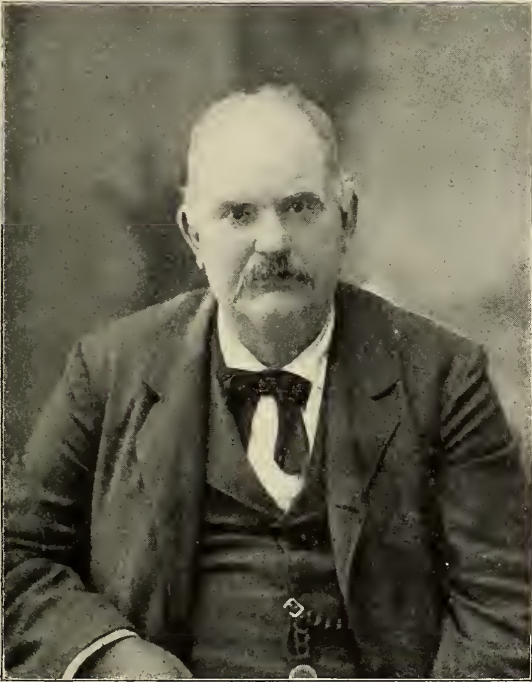


Artichoke Hearts
in glass.

We are the pioneers of the asparagus canning industry in California, and from the time we first introduced the Bouldin Island product of which we have sole control, we have never been able to fully supply the demand, which fact naturally induced others to enter the field imitating our grades and styles of packages.

Our Asparagus is packed in the fields where grown immediately after cutting, and is recognized by the trade of the world as the "par excellence" of Asparagus—superior in texture and flavor to imported goods, and today we are exporting to Germany and France, the product of which countries was once considered the acme of perfection, and which we have almost supplanted in this country.

See that every can bears our name on the labels and that our initials H. A. C. Co. are stamped on one end of each can.



JOHN M. THOMAS.
Secretary and Agent.



WILLIAM H. SAYLOR.
Chemist and Assistant Secretary.

CALIFORNIA STATE DAIRY BUREAU.

J. A. FOLGER & CO.'S

Golden Gate Baking Powder.

Pure Cream Tartar and Soda Only.

Golden Gate Spices.

Golden Gate Extracts.

Golden Gate Teas.

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PURE AND WHOLESOME.

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SAN FRANCISCO.

DAIRY AND PURE FOOD LAWS OF THE STATE OF CALIFORNIA.

The dairy laws of the State of California are enforced by a State Dairy Bureau; while the laws against the adulteration of other articles of food are left to be enforced in like manner as other misdemeanors and felonies, there being no department specifically charged with enforcing the same. The Dairy Bureau consists of the following members:

Geo. W. Burbank, chairman.

Dr. Thos. Flint.

H. M. Le Baron.

John M. Thomas, agent and secretary.

Wm. H. Saylor, chemist and assistant secretary.

The office of the State Dairy Bureau is located at No. 114 California street, San Francisco, Cal. The members of the Dairy Bureau are appointed by the Governor, under the law hereinafter set out, which provides that the Governor shall appoint three resident citizens of the state having practical experience in the manufacture of dairy products to constitute a State Dairy Bureau. They hold their office for a period of four years. The law requires that the members of the State Dairy Bureau shall serve without compensation, but there are certain sums of money appropriated annually, out of money in the treasury not otherwise appropriated, for carrying on the work of said bureau.

The dairy and food laws are as follows:

LAW RELATIVE TO BUTTER AND CHEESE.

Section 1. That for the purposes of this act every article, substance, or compound, other than that produced from pure milk or cream from the same, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk, or cream from the same, is hereby declared to be imitation

butter; and that for the purposes of this act every article, substance, or compound, other than that produced from pure milk, or cream from the same, made in the semblance of cheese and designated to be used as substitute for cheese made from pure milk, or cream from the same, is hereby declared to be imitation cheese; *provided*, that the use of salt, rennet, and harmless coloring matter for coloring the product of pure milk or cream, shall not be construed to render such product an imitation; and *provided*, that nothing in this section shall prevent the use of pure skimmed milk in the manufacture of cheese.

Sec. 2. No person, by himself or his agents or servants, shall render or manufacture, sell, offer for sale, or have in his possession with intent to sell, or use, or serve to patrons, guests, boarders, or inmate, in any hotel, eating-house, restaurant, public conveyance, or boarding-house, or public or private hospital, asylum, or eleemosynary or penal institution, any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced directly and at the time of manufacture from unadulterated milk or cream from the same, which article, product, or compound shall be colored in imitation of butter or cheese produced from unadulterated milk, or cream from the same; *provided*, that nothing in this section shall be construed to prohibit the manufacture or sale, under the regulations hereinafter provided, of substances or compounds designed to be used as an imitation or as a substitute for butter or cheese made from pure milk, or cream from the same, in a separate and distinct form and in such a manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like butter or cheese made from pure milk or cream, the product of the dairy.

Schilling's Best

tea
coffee
baking powder
spices
extracts
soda

ALL PURE

No "starch" in their baking powder.

GHIRARDELLI'S GROUND CHOCOLATE.

(STRICTLY PURE)



Strengthens the Body,
Quiets the Nerves,
Feeds the Brain,

**THEREFORE THE BEST
OF FOOD PRODUCTS.**

Sec. 3. Each person who, by himself or another, lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark by branding, stamping, or stenciling upon the top and sides of each tub, firkin, box, or other package in which such article shall be kept, and in which it shall be removed from the place where it is produced, in a clear and durable manner, in the English language, the words "substitute for butter" or "substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall not be less than one inch in height by one-half inch in width, and in addition to the above shall prepare a statement, printed in plain Roman type, of a size not smaller than pica, stating in the English language its name and the name and address of the manufacturer, the name of the place where manufactured or put up, and also the names and actual percentages of the various ingredients used in the manufacture of such imitation butter or imitation cheese; and shall place a copy of said statement within and upon the contents of each tub, firkin, box, or other package, and next to that portion of each tub, firkin, box, or other package as is commonly and most conveniently opened; and shall label the top and sides of each tub, firkin, box, or other package by affixing thereto a copy of said statement, in such manner, however, as not to cover the whole or any part of said mark of "substitute for butter" or "substitute for cheese."

Sec. 4. No person, by himself or another, shall knowingly ship, consign, or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter or cheese, unless the same be marked and contain a copy of the statement, and be labeled as provided by section 3 of this act; and no carrier shall knowingly receive the same for the purpose of forwarding or transporting, unless it shall be manufactured, marked, and labeled as hereinbefore provided, consigned and by the carrier receipted for by its true name; *provided*, that this act shall not apply to any goods in transit between foreign states and across the state of California.

Sec. 5. No person or his agent shall know-

ingly have in his possession or under his control any substance designed to be used as a substitute for butter and cheese, unless the tub, firkin, box, or other package containing the same shall be clearly and durably marked and contain a copy of the statement, and be labeled as provided by section 3 of this act; and if the tub, firkin, box, or other package be opened, then a copy of the statement described in section 3 of this act shall be kept, with its face up, upon the exposed contents of said tub, firkin, box, or other package; *provided*, that this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or family.

Sec. 6. No person, by himself, or another, shall sell or offer for sale or take orders for the future delivery of any substance designed to be used as a substitute for butter or cheese, under the name of or under the pretense that the same is butter or cheese; and no person, by himself or another, shall sell any substance designed to be used as a substitute for butter or cheese, unless he shall inform the purchaser distinctly, at the time of the sale, that the same is a substitute for butter or cheese, as the case may be, and shall deliver to the purchaser, at the time of the sale, a separate and distinct copy of the statement described in section 3 of this act; and no person shall use in any way, in connection or association with the sale or exposure for sale, or advertisement, of any substance designed to be used as a substitute for butter or cheese, the words "butterine," "creamery," or "dairy," or the representation of any breed of dairy cattle, or any combination of such words and representation, or any other words or symbols, or combinations thereof, commonly used by the dairy industry in the sale of butter or cheese.

Sec. 7. No keeper or proprietor of any bakery, hotel, boarding-house, restaurant, saloon, lunch-counter, or other place of public entertainment, or any person having charge thereof, or employed thereat, or any person furnishing board for others than members of his own family, or for any employes where such board is furnished as the compensation or as a part of the compensation of any such employe,



TEA GARDEN DRIPS



Wild Rose Brand Honey

TEA GARDEN BRAND
PRESERVES and
JELLIES.

PACIFIC COAST SYRUP CO.

SAN FRANCISCO.
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shall place before any patron or employe, for use as food, any substance designed to be used as a substitute for butter and cheese, unless the same be accompanied by a copy of the statement described in section 3 of this act, and by a verbal notification to said patron that such substance is a substitute for butter or cheese.

Sec. 8. No action can be maintained on account of any sale or other contract made in violation of, or with intent to violate, this act by or through any person who was knowingly a party to such wrongful sale or other contract.

Sec. 9. Every person having possession or control of any substance designed to be used as a substitute for butter and cheese which is not marked as required by the provisions of this act shall be presumed to have known, during the time of such possession or control, that the same was imitation butter, or imitation cheese, as the case may be.

Sec. 10. No person shall efface, erase, cancel, or remove any mark, statement, or label provided for by this act, with intent to mislead, deceive, or to violate any of the provisions of this act.

Sec. 11. No butter or cheese not made wholly from pure milk or cream, salt, harmless coloring matter, shall be used in any of the charitable or penal institutions that receive assistance from the state.

Sec. 12. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense, by a fine of not less than \$50, nor more than \$150, or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense by a fine of not less than \$150 nor more than \$300, or by imprisonment in the county jail not less than thirty days nor more than six months, or by both such fine and imprisonment, at the discretion of the court. One-half of all the fines collected under the provisions of this act shall be paid to the person or persons furnishing information upon which conviction is procured.

Sec. 13. Whoever shall have possession or control of any imitation butter or imitation cheese, or any substance designed to be used as

substitute for butter or cheese, contrary to the provisions of this act, shall be construed to have possession of property with intent to use it as a means of committing a public offense, within the meaning of chapter 3, title 12 of part 2 of an act to establish a penal code; *provided*, that it shall be the duty of the officer who serves a bench warrant issued for imitation butter or imitation cheese, or any substance designed to be used as a substitute for butter or cheese, to deliver to the agent of the Dairy Bureau, or to any person by such Dairy Bureau authorized in writing to receive the same, a perfect sample of each article seized by virtue of such warrant, for the purpose of having the same analyzed, and forthwith to return to the person from whom it was taken the remainder of each article seized as aforesaid. If any sample be found to be imitation butter or imitation cheese or substance designed to be used as a substitute for butter or cheese, it shall be returned to and retained by the magistrate as and for the purpose contemplated by section 1536 of an act to establish a penal code; but if any sample be found not to be imitation butter or imitation cheese, or a substance designed to be used as a substitute for butter or cheese, it shall be returned forthwith to the person from whom it was taken.

Sec. 14. It shall be the duty of the district attorney, upon the application of the Dairy Bureau, to attend the prosecution, in the name of the state, of any suit brought for the violation of any of the provisions of this act within his district.

Sec. 15. The Governor shall, on or before the 1st day of July, 1897, appoint three resident citizens of this state, who shall have practical experience in the manufacture of dairy products, to constitute a State Dairy Bureau, and which shall succeed to the one now in existence in every respect. Members of this bureau shall hold office for the period of four years from and after the 1st day of July, 1897, and until their successors are appointed and qualified; *provided*, that the first members appointed under the provisions of this act shall at their first meeting so classify themselves by lot as that one shall go out of office at the ex-

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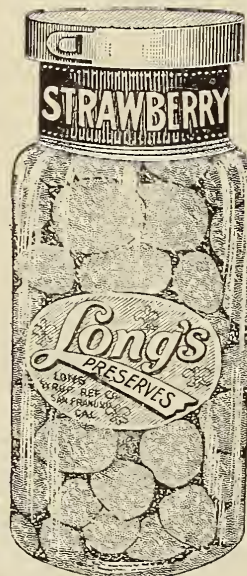
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piration of two years, one at the expiration of three years, and the other at the expiration of four years. Any vacancy shall be filled by appointment by the Governor for the unexpired term. The members of said bureau shall serve without compensation, and within twenty days after their appointment shall take the oath of office as required by the constitution, and they shall thereupon meet and organize by electing a chairman and treasurer. Any one of them may be removed by the Governor for neglect or violation of duty. They shall make a report in detail to the legislature not later than the first day of December next preceding the meetings thereof.

Sec. 16. It shall be the duty of the State Dairy Bureau to secure, as far as possible, the enforcement of this act. The State Dairy Bureau shall have power to employ an agent at a salary of \$1200 a year and such assistants or chemists as from time to time may be necessary thereof.

Sec. 17. There is hereby appropriated for the use of the State Dairy Bureau, out of any money in the state treasury not otherwise appropriated, the sum of \$5000 for each fiscal year hereafter, and commencing with the forty-ninth fiscal year. All salaries, fees, costs, and expenses of every kind incurred in the carrying out of the law shall be drawn from the sum so appropriated, and the state controller shall draw his warrant on the state treasurer in favor of the person entitled to the same.

Sec. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 19. This act shall take effect immediately.

DAIRY INSPECTION LAW. CHAPTER CXXXVI, STATUTES OF 1899.

Section 1. No person or persons, firms or corporation, shall sell or offer for sale, or have in his or their possession for sale, any impure or unwholesome milk, or any article of food manufactured therefrom, or of any cream from the same, or milk drawn from cows, either fifteen days before or five days following parturition, or from cows fed on unwholesome food, or from cows affected with any disease of live stock, contagious, infectious, or otherwise capable of

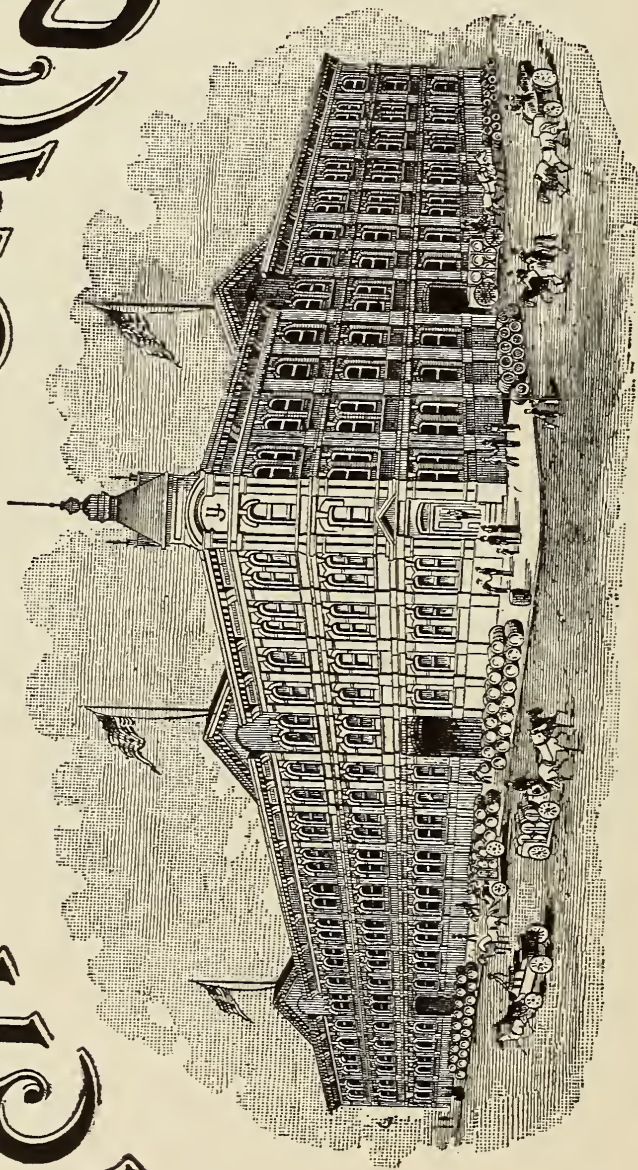
producing such pathological changes as will cause the products from said animals to become unwholesome for food.

Sec. 2. It shall be the duty of the State Dairy Bureau, by its general agent and assistant agents, from time to time, as may be required, upon complaint made to it of the existence of any disease among dairy stock, or of unsanitary conditions, as mentioned and referred to in this act, to inspect all the dairies and creameries in the state so complained of and to carefully investigate the sanitary conditions of the same. Said bureau, by its agents and assistant agents, shall at the same time inspect all cattle, horses, and hogs belonging, in use by, or appurtenant to such dairies and creameries, for infectious and contagious diseases, such as are enumerated in section 1 of this act; and after such inspection, if said agent or assistant agents believes, or has reason to believe, that any contagious or infectious disease exists among the stock inspected, he shall immediately notify the state veterinarian of the same, setting forth the facts of the case, and he shall forthwith act upon such report.

Sec. 3. The State Dairy Bureau shall, and they are hereby directed to, appoint from time to time as many assistant agents, not exceeding twenty, as in their judgment may be required to carry out the provisions of this act, and to fix their compensation, not to exceed \$4 per day while actually employed, exclusive of their actual and necessary expenses. Whenever competent assistant agents can be found in counties or districts where such inspection is to be made, the State Dairy Bureau, by its general agent, shall appoint an assistant agent as inspector, who is not an owner of nor interested in any dairy, subject to the approval of the bureau, and such appointment shall be entered on the minutes of the bureau; *provided*, that such assistant agent shall have had practical experience in the manufacture of dairy products and the care and handling of stock.

Sec. 4. All persons employed by the bureau to carry out the provisions of this act shall render, under oath, to the State Dairy Bureau, on or before the fifth day of each and every month, an itemized statement of the number of

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California Wines and Brandies

BRYANT & SECOND STREETS, SAN FRANCISCO.

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days they were actually employed during the preceding month; also an itemized statement of their actual expenses, with receipted vouchers attached thereto, for all sums exceeding one dollar, excepting railroad fares.

Sec. 5. Whenever in the judgment of the state veterinarian it shall, for the purposes of this act, be necessary to slaughter any animal or animals reported to him by said agent or assistant agent, he shall certify his reasons therefor to the agent ordering such inspection. The agent or assistant agent shall notify the owner or owners, or the person or persons in charge of the animal or animals, of the decision of said state veterinary surgeon, and shall order the animal or animals specified in the veterinary surgeon's certificate to be slaughtered immediately. Any animal or animals so slaughtered shall not be sold or removed, but shall be destroyed at the expense of the owner or owners, or the person or persons in charge of such animal or animals, under the direction and supervision of the agent or assistant agent ordering the animal or animals slaughtered, as may be specified by the state veterinarian.

Sec. 6. Whenever the agent or assistant agents of the bureau inspects any dairy, creamery, or other place where milk is produced, or where products are manufactured from the same, including barns, corrals, hog yards, and places used for stock purposes, and utensils used in dairies and creameries, and finds the same not in good sanitary condition, he shall direct in writing such changes to be made as will put the same in good sanitary condition. Such written directions shall be served on the owner or owners, or upon the person or persons having charge of the premises, giving the parties so notified thirty days to make such changes as directed. If such changes are not made within thirty days, the person or persons refusing or neglecting to make such changes as directed shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as hereinafter prescribed.

Sec. 7. Whenever any infectious or contagious disease affecting dairy stock shall be brought into or break out in this state, the State Dairy Bureau, by its agent and assistant

agents, shall take prompt measures to suppress the same, and to prevent such disease from spreading, and for that purpose shall immediately notify the state veterinarian and he shall forthwith inspect the matters so reported and act thereon.

Sec. 8. The agent or assistant agents shall also have the power to require each and every person, firm or corporation, having any stock in his or her possession, or under his or their control, to drive the same into corrals or small inclosures for the purpose of inspection. Said agent shall give at least twenty-four hours' notice to the parties of the time he requires such stock to be corralled; *provided*, that where it is impracticable to corral stock on large stock ranges, the owner or the person or persons having control of the same shall go with the agent or send some person to point out the stock to be inspected.

Sec. 9. It shall be the duty of the district attorney of each and every county of this state, upon application of the agent or assistant agents of the State Dairy Bureau, to attend to the prosecution, in the name of the state, of any action brought for the violation of any of the provisions of this act within his district.

Sec. 10. Any person or persons, firms or corporations, refusing or neglecting to comply with or conform to the provisions of this act, when required to do so by the agent or assistant agents of the State Dairy Bureau, or who shall in any manner interfere with them in the performance of their duties under this act, shall be guilty of a misdemeanor. Whoever shall violate any of the provisions or sections of this act shall be guilty of a misdemeanor. All fines collected under the provisions of this act shall be paid to the agent of the State Dairy Bureau and by said bureau paid into the state treasury.

Sec. 11. For the purpose of obtaining accurate information regarding the dairy industries of the state, the Dairy Bureau shall annually require in writing from each owner or manager of a dairy, owning or controlling any dairy stock exceeding one dozen cows in number, a report showing location of dairy, number and breed of all dairy stock in use or appurtenant thereto, together with such other pertinent

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information as said bureau may require. Information thus obtained shall be embraced in the annual report of the Dairy Bureau.

Sec. 12. It shall be the duty of the State Dairy Bureau now provided by law, by its general agent, to enforce the provisions of this act. Such agent shall receive an additional salary of \$50 per month, payable out of the money appropriated for the enforcement of this act.

Sec. 13. There is hereby appropriated for the use of the State Dairy Bureau in enforcing and carrying out the provisions of this act, out of any money in the state treasury not otherwise appropriated, the sum of one thousand dollars (\$1000) for the remainder of the fiftieth fiscal year; three thousand seven hundred and fifty dollars (\$3750) for the first six months of the fifty-first fiscal year, three thousand seven hundred and fifty dollars (\$3750) for the last six months of the fifty-first fiscal year, and five thousand dollars (\$5000) for the fifty-second fiscal year.

Sec. 14. All salaries, fees, costs, and expenses shall be drawn from the money so appropriated, and the state controller shall draw his warrant on the state treasury in favor of the person or persons entitled to the same; *provided*, that the State Board of Examiners are hereby specially prohibited from granting or allowing any deficiency to the State Dairy Bureau for the purposes of this act; *and provided further*, that in no event shall there be more agents or assistant agents employed or expenses incurred under this act than the appropriations herein made will pay for the respective periods for which they are made.

Sec. 15. This act shall take effect immediately.

"PROCESS" BUTTER LAW.

STATUTES OF 1899.

Section 1. No person or persons, firms or corporations, shall sell or offer for sale, or have in his or their possession for sale, any butter manufactured by boiling, melting, deodorizing, or renovating, which is the product of stale, rancid, or decomposed butter, or by any other process whereby stale, rancid, or decomposed butter is manufactured to resemble or appear like creamery or dairy butter, unless the same

is plainly stenciled or branded upon each and every package, barrel, firkin, tub, pail, square, or roll, in letters not less than one-half inch in length, "process butter" or "renovated butter," in such a manner as the purchaser will be advised of the real character of such "process" or "renovated" butter.

Sec. 2. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor.

Sec. 3. It shall be the duty of the district attorney of each and every county of this state, upon application, to attend to the prosecution, in the name of the state, of any action brought for the violation of any of the provisions of this act within his district.

Sec. 4. The State Dairy Bureau, by its agent and assistant agents, is hereby authorized and directed to enforce all of the provisions of this act. All fines and penalties for the violation of this act shall be paid to the agent or assistant agents of the State Dairy Bureau and by said bureau paid to the state treasurer.

Sec. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 6. This act shall take effect on and after its passage.

CHEESE GRADING LAW.

Section 1. Every person or persons, firm, or corporation, who shall at any creamery, cheese, factory, or private dairy, manufacture cheese in the state of California, shall, at the place of manufacture, brand distinctly and durably on the bandage of each and every cheese manufactured and upon the package or box, when shipped, the grade of cheese manufactured, as follows: "California Full-Cream Cheese," "California Half-Skim Cheese," and "California Skim Cheese."

Sec. 2. All brands for branding the different grades of cheese shall be procured from the State Dairy Bureau, and said bureau is hereby directed and authorized to issue to all persons, firms, or corporations, upon application therefor, uniform brands, consecutively numbered, of the different grades specified in section 1 of this act. The State Dairy Bureau shall keep a



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GOLD MEDAL, TURIN, 1893. SILVER MEDAL, BORDEAUX, FRANCE, 1895

Gold Medal, P.C. ROSSI VERMOUTH and FERNET-AMARO Highest Award, Chicago, 1894.

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record of each and every brand issued, and the name and location of the manufacturer receiving the same. No manufacturer of cheese in the state of California, other than the one to whom such brand is issued, shall use the same, and in case of a change of location the party shall notify the bureau of such change.

Sec. 3. The different grades of cheese are hereby defined as follows: Such cheese only as shall have been manufactured from pure milk, and from which no portion of the butter fat has been removed by skimming or other process, and having not less than 30 per cent of butter fat, shall be branded as "California Full-Cream Cheese"; and such cheese only as shall be made from pure milk, and having not less than 15 per cent of butter fat, shall be branded "California Half-Skim Cheese"; and such cheese only as shall be made from pure skim-milk shall be branded "California Skim Cheese"; *provided*, that nothing in this section shall be construed to apply to "Edam," "Brickstein," "Pineapple," "Limburger," Swiss, or hand-made cheese, not made by the ordinary Cheddar process.

Sec. 4. No person or persons, firms or corporations, shall sell or offer for sale any cheese manufactured in the state of California not branded by an official brand and of the grade defined in section 3 of this act.

Sec. 5. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50), or by imprisonment in the county jail for not exceeding twenty-five days; and for each subsequent offense by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not less than fifty days nor more than one hundred days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

Sec. 7. This act shall take effect sixty days after its passage.

FALSE TEST OF DAIRY PRODUCTS.

Sec. 381 a. Provides that any person, whether principal, agent, or otherwise, who buys or sells dairy products or deals in milk, cream, or butter, or buys or sells same upon the basis of their richness, or weight, or percentage of cream or butter fat contained therein, who uses any apparatus or other provisions, or uses the "Babcock Test" or a machine of like character for testing such products which is not accurate and correct or gives wrong or false percentages or is calculated in any way to defraud or injure the person with whom he deals, is guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or imprisoned in the county jail not more than six months.

FOOD LAWS.

FRAUDULENTLY INCREASING WEIGHT OF GOODS.

TITLE X.

Sec. 381. Provides that every person who puts or sells in any bag, bale, box, barrel, or other package in which goods are usually sold by weight, anything whatever for the purpose of increasing the weight of such bag, bale, package, etc., with intent thereby to sell the goods therein or enable another to sell the same for an increased weight, is punishable by a fine not less than \$25 for each offense.

ADULTERATING FOOD, DRUGS, LIQUORS, ETC.

Sec. 382. Provides that any person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article useful in compounding them with fraudulent intent to offer or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps, or offers the same for sale as unadulterated or undiluted, or in response to an inquiry for any article of food, drink, drug, medicine, spirituous or malt liquor or wine, sells or offers for sale a different article or article of a different character, without informing such purchaser of such difference, is guilty of a misdemeanor.

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DISPOSING OF TAINTED FOOD, ETC.

Sec. 383. Provides that every person who knowingly sells, keeps or offers for sale, or disposes of any article of food, drink, drug, or medicine knowing the same is adulterated, or has become tainted, decayed, spoiled, or otherwise unwholesome or unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor and may be fined not less than \$25 nor more than \$100, or imprisoned in the county jail not exceeding 100 days, or both; and may be adjudged to pay all the necessary expenses not exceeding \$50 incurred in inspecting and analyzing such articles.

The term "drug" as used herein includes all medicines for internal and external use, antiseptics, disinfectants, and cosmetics. The term "food" as used herein includes all articles used for food or drink by man, whether simple, mixed, or compound. An article is deemed to be adulterated within the meaning of this section:

(a) In the case of drugs: (1) If when sold under or by name recognized in the United States Pharmacopœia it differs materially from the standard of strength, quantity, or purity laid down herein; (2) if when sold under or by a name not recognized in the United States Pharmacopœia, but found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid in such work; (3) if its strength, quantity, or purity falls below the professed standard under which it was sold.

(h) In the case of food: (1) If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength, or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingre-

dient has been wholly or in part abstracted from it; (4) if it is an imitation of or sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted, or rotten animal or vegetable, substance or article, whether manufactured or not, and in the case of milk if it is produced from a diseased animal; (6) if it is colored, coated, polished, or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health.

LABELING DRUGS.

Sec. 380. Every apothecary, druggist, or other person carrying on business as a dealer in drugs or medicine, who, in putting up any such articles or making up any prescriptions or filling orders therefor, who willfully, negligently, or ignorantly omits to label the same or puts an untrue label, stamp, or other designation of contents upon any box, bottle, or other package containing any drugs, or substitutes a different article for the article ordered or puts up a greater or less quantity of such article than is prescribed or otherwise deviates from the terms of the prescription, in consequence of which the human life is injured, is guilty of a misdemeanor, or, if death ensues, is guilty of a felony.

ADULTERATING CANDY.

Sec. 402 a. Every person who adulterates candy by using in its manufacture Terra Alba or any other deleterious substance, or sells or keeps for sale any candy or candies adulterated with Terra Alba or any other deleterious substance, knowing the same to be adulterated, is guilty of a misdemeanor.



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SUPREME COURT DECISIONS OF CALIFORNIA ON FOOD LAWS.

WINE. It is not unconstitutional to prohibit the sophistication or adulteration of wine, as it is not unreasonable to such an extent that it becomes a ban on the sale of wine, so as to deprive persons of their property without due process of law. Ex parte Kohler, 74 Cal. 38.

Constitutionality. The act of March 7, 1887, in regard to wine which is in part as follow in its title "to prohibit the sophistication and adulteration of wine, and to prevent fraud in the manufacture and sale thereof," sufficiently complies with Sec. 24, Art. 4, of the Constitution, which reads in part, "Every act shall embrace but one subject, which subject shall be embraced in its

title." Ex parte Kohler, 74 Cal. 38.

Sec. 8 of the act of March 7, 1887, in regard to the adulteration of wine, is in part as follows: "It is desired and required that every grower, manufacturer, trader, handler or bottler of California wines," etc., shall plainly stencil brand, or have printed where it will be seen (1) "Pure California Wine" and (2) his name or the firm name," but under the same a stamp need not be placed on pure California wine stating that it is pure California wine, and a person is not liable for a failure to so place a stamp, provided the wine is pure, as the act is not mandatory to such an extent. Id.

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T. L. MONSON,
State Dairy Commissioner.



B. S. NEWLAND,
Deputy State Dairy Commissioner.

COLORADO DAIRY COMMISSION.

THE DAIRY AND FOOD LAWS OF COLORADO.

The Dairy Laws of the State of Colorado are administered by a State Dairy Commissioner. He may appoint a deputy and also a practical chemist to assist him in the performance of his duty. The present officers of the commission charged with the enforcement of the Dairy Laws of Colorado as follows:

T. L. Monson Commissioner
B. S. Newland Deputy Commissioner

The laws against adulteration of other articles of food are enforced in like manner as the laws against other misdemeanors.

A digest of the Dairy Laws which it is the duty respectively of the officers so named to enforce is as follows:

Section 1. The Governor shall appoint a practical dairyman as the Colorado State Dairy Commissioner for the term of two years, at an annual salary of \$1,200. Said Commissioner for at least one year preceding his appointment shall have been actually engaged in the business of dairying. He shall make semi-annual reports on or before June 20 and December 20 of each year to the Governor.

Sec. 2. The Commissioner shall have power to appoint a deputy at a salary of \$1,000 per year. He shall also have power to appoint a practical chemist at a salary of \$10 a day while actually engaged.

Sec. 3. The Commissioner and his deputy shall be entitled to their necessary traveling expenses while discharging their official duties.

Sec. 4. Prohibits the sale or use or service to patrons, guests, boarders, or inmates of any hotel, eating-house, restaurant, public conveyance or boarding-house, or public or private hospital, asylum, school, or eleemosynary or penal institution, of any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same; and declares it a misdemeanor to violate this section, punishable as hereinafter provided; *Provided*, this act shall not prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form, and if sold in such a manner as will advise the consumer of its real character, free from colorations or any ingredient that causes it to look like cheese or yellow butter.

NOTE—The Commissioner's office has been provided with a fine polariscope, which enables it, in most cases, to positively determine whether the suspicious sample is butter or not, so that the office is put to the expense of a chemical

analysis only of those samples where it is necessary to prosecute the case.

Sec. 5. Provides that every cheese manufacturer who shall fail to distinctly and durably stamp on the bandage of every cheese manufactured, and on the box containing the same, in full-faced capital letters, the grade of the same, as "Colorado Full Cream," "skimmed," or "imitation" cheese, as hereinafter defined, is guilty of a misdemeanor, punishable as hereinafter provided. Brands and stencils for stamping shall be procured of the State Dairy Commissioner.

Sec. 6. The State Dairy Commissioner is authorized to issue to any cheese factory in the state upon proper application uniform stencils and brands to be used as hereinafter provided in section 5 hereof. All cheese containing not less than 35 per cent of butter fat in comparison with the total solids shall be branded "Colorado Full Cream Cheese." All containing less than the above described amount of fat shall be branded "skim cheese." All cheese into which any foreign fats or other oleaginous substance, or the fats of stale, rancid, foul or impure butter have been introduced, shall be branded "imitation cheese."

Sec. 7. The State Dairy Commissioner shall issue the brands provided for in section 6, and keep a book containing a record of the number of each brand issued and the name and location of each factory receiving the same, and no factory other than the one to which such brand shall have been issued shall use the same.

Sec. 8. The Colorado State Dairy Commissioner shall have power to examine under oath any person whom he may believe has knowledge concerning the sale or use of imitations of butter or cheese; he is empowered to issue subpoenas requiring the appearance of witnesses and the production of books and papers, and may administer oaths with like effect as in any courts of law in this state. Any district court or county court shall issue an attachment for such witnesses on application to the Commissioner and compel them or any of them to attend before the Commissioner and give testimony; and said court or judge shall have power to punish for contempt as in other cases.

Sec. 9. Inspectors of milk in cities and incorporated towns and the Colorado State Dairy Commissioner or his deputy shall, and any other person may, institute complaint before any justice of the peace or county court, and the district attorney or his deputy shall file informa-

tion in the district court for a violation of the provisions hereof, and it shall be the duty of such attorney to prosecute complaints or information when the same may have been instituted.

Sec. 10. The Dairy Commissioner or any inspector of milk in cities shall enter all places where they have reason to believe that butter or cheese or imitations thereof may be stored or kept for sale or kept for the purpose of being offered for the use of patrons or customers, and take samples for analysis by a practical chemist; such analysis shall be recorded and preserved as evidence; the certificate of such result, sworn to by such chemist, shall be admitted in evidence in all prosecutions; *Provided*, that the person accused may subpoena such chemist into court. The expenses of such analysis, not exceeding \$20, may be included in the costs of prosecution.

Sec. 11. Whoever hinders or obstructs the Commissioner, his deputy, or any inspector of milk in the performance of their duty shall be punished by a fine of \$50 for the first offense and \$100 for each subsequent offense, and stand committed to the county jail until such fine is paid.

Sec. 12. Whoever violates the provisions of sections 4 and 5 shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for a term not exceeding one year.

FOOD LAWS. LAWS OF 1893.

Sec. 60. Diseased Meat. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall upon conviction be punished by imprisonment in the county jail not more than six months or by fine not exceeding \$2,000.

Sec. 61. Adulterated Food and Liquor. If any person shall fraudulently adulterate, in order to sell, any substance intended for food or drink, he shall, upon conviction, be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$300, and the article so adulterated shall be forfeited and destroyed.

Sec. 63. Mixed, Colored, Stained, or Powdered Food. No person shall mix, color, stain, or powder, or order or permit any other person to mix, color, stain, or powder, any article of food with any injurious ingredient or material with the intent that the same shall be sold; and no person shall knowingly sell or offer for sale any article so mixed, colored, stained, or powdered.

Sec. 65. Mixing or Coloring Food, Drink, or Medicine for Gain. No person shall mix, color, stain, or powder any article of food, drink, or medicine, or any other article which enters into the composition of food, drink, or medicine, with any ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or offer the same for sale, or order or permit any person to sell or offer for sale any article so mixed, colored, stained, or powdered, unless the same be so marked, used, sold, or offered for sale under its true and appropriate name, and notice that the same is marked, printed, or stamped on each package, roll, parcel, or vessel containing the same so as to be at all times readily visible, unless the person purchasing the same is fully informed by the seller of the true name and ingredients of such article of food, drink, or medicine at the time of the making of the sale or offering to sell.

Sec. 66. Glucose. Grape-Sugar. Oleomargarine. No person shall mix any glucose or grape-sugar with syrup, honey, or sugar intended for human food, or any oleomargarine, suine, beef-fat, lard, or any other foreign substance with any butter or cheese intended for human food, or shall mix or mingle any glucose, grape-sugar, or oleomargarine with any article of food without distinctly marking, stamping, or labeling the article or the package containing the same with the true and appropriate name of such article and the percentage in which glucose, grape-sugar, or oleomargarine or suine enters into its composition; nor shall any person sell or offer for sale or order or permit to be sold any such food, into the composition of which glucose, grape-sugar, oleomargarine, or suine enters, without informing the buyer of the fact and the proportions in which such ingredients have entered into its composition.

Sec. 67. Penalty. Any person convicted of violating any provisions of any of the foregoing sections of this act shall be fined not more than \$50 or imprisoned in the county jail not exceeding three months.

Sec. 69. Impure Milk. It shall be unlawful for any person, either by himself or agent, to sell or offer for sale any impure, unwholesome, or adulterated milk or swill milk or colostrum, or milk from cows kept upon garbage, swill, or any substance in a state of fermentation or putrefaction, or other deleterious substance, or from cows kept in connection with any family in which there are infectious diseases. The addition of water to milk is hereby declared an adulteration.

Sec. 70. Penalty. Any person who shall violate the preceding section shall be punished by

a fine not exceeding \$100 or by imprisonment not to exceed three months, or both.

Sec. 71. **Inspectors of Milk.** The board of health of any county, city, or town is given authority to appoint inspectors of milk and fix their compensation. The inspectors shall perform the duties required of inspectors as provided in the general laws and such other powers and duties as may be conferred by the ordinance of said county, city, or town.

Sec. 72. **Skimmed Milk.** Any dealer in milk who shall by himself or agent sell, exchange, or deliver, or have in his possession with intent to sell, or expose or offer for sale as pure, any skimmed milk from which the cream or any part thereof has been removed, shall be guilty of a misdemeanor and shall be punished by the penalty provided in section 70.

Sec. 73. **Impure Butter.** Oleomargarine. Every person who shall manufacture for sale or who shall offer or expose for sale any article or substance in semblance of butter not the legitimate product of the dairy and not made exclusively of milk or cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted

butter or any part thereof has been introduced to take the place of cream, shall distinctly and durably brand, stamp, or mark upon the top and also upon the side of every package of such substance the word "oleomargarine" where it can be plainly seen, in Roman letters, which shall be burnt on or printed, with permanent black paint, in a straight line, and each letter shall not be less than one-half inch in length, and in the case of retail sales of such substance in parcels, the seller shall sell it or offer it for sale from parcels stamped, branded, or marked with a written statement, and shall also deliver therewith to the purchaser a printed label, bearing the plainly printed word "oleomargarine" or "butterine," as the same may be, with the name of the manufacturer thereof, and every sale of such article or substance, whether by wholesale or retail dealers, not so marked or without a delivery of the label therewith as required, is declared to be unlawful and void, and no action upon any contract pertaining thereto shall be maintained in any of the courts of this state or a recovery had for the sale of any such article or substance not so branded, marked, labeled, or sold.

DECISIONS OF THE SUPREME COURT OF COLORADO ON FOOD LAWS.

FOOD LAWS. JURISDICTION. A city ordinance making it unlawful for any person to sell oleomargarine without specified marks and brands, made by virtue of a provision in a city charter giving the city council exclusive power to regulate all lawful occupations, and a further provision giving the police magistrate's court of the city exclusive original jurisdiction of all cases arising under city ordinances, does not deprive the district court of jurisdiction of a violation in a given city of the laws of 1893. *Haines vs. People*, 7 Colo. App. 467.

ICE. An ice retailer's ice was found to be impure. A law authorized the health commissioner to condemn and destroy all fluids or substances intended for drink or food whenever satisfied that its consumption might be injurious to the public health. The health commissioner put a stop to the ice business, and then summoned the retailer to show cause why the ice should not be destroyed. Held that the law does not authorize the condemnation of such substances without a trial before a regular authorized tribunal, in which the burden of proving the charge is upon the complainant and not on the defendant to show cause why not. *Munn vs. Corbin*, 8 Colo. App. 113.

MEAT INSPECTION. An act which provides

that fresh meats, sound and healthy and fit for human food, cannot be shipped into this state to be sold except on condition that the animals from which such meats have been taken shall have been inspected and certified to as provided by the statute, is in conflict with the provision of the United States Constitution which declares that citizens of each state shall be entitled to all the privileges and immunities of the citizens in the several states. *Schmidt vs. People*, 18 Colo. 78.

OLEOMARGARINE.

REGULATION AND SALE. The sale of oleomargarine in unmarked packages is not a lawful occupation, so that cities having the power to license all lawful occupations carried on within their limits cannot license and regulate the sale thereof.

JURISDICTION. The District Court has jurisdiction over the oleomargarine law of 1893. *Haines vs. People*, 7 Colo. App. 467.

PACKAGES MUST BE MARKED. It is unlawful to sell oleomargarine in packages not marked in two conspicuous places in bold-faced English letters, etc., as prescribed by act of April 12, 1893, and cities have power to license the sale of oleomargarine within their limits. *Haines vs. People*, 7 Colo. App. 467.



HON. J. B. NOBLE,
Commissioner.



ROBERT O. EATON,
Assistant Commissioner.

CONNECTICUT DAIRY COMMISSION.

CONNECTICUT PURE FOOD LAWS.

The Pure Food Laws of this state are under the control of a Dairy Commissioner appointed by the Governor for two years and the State Experiment Station. The Commissioner has the power to appoint a deputy, who shall act as clerk. He is required to make annual reports to the Governor. This Dairy Commission now consists of the following members:

J. B. Noble Commissioner
R. O. Eaton Deputy Commissioner

The Dairy and Pure Food Laws under the control of the Dairy Commissioner and his deputy and the experiment station are substantially as follows:

Sec. 2614. Any article resembling butter, not made wholly, salt and coloring matter excepted, from milk of cows, shall be imitation butter within the meaning of this Act. The words "butter," "dairy" and "creamery" shall form neither the whole nor a part of the name of any imitation butter, or appear upon any article, or any box, tub or package containing imitation butter.

Sec. 2615. Prohibits the manufacture, sale or delivery of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substances or compound thereof, not produced from unadulterated milk or cream from the same; *Provided*, This act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its true character, free from colorations or any ingredient that causes it to look like butter. Prohibits the sale or delivery of imitation butter except as follows:

First.—The dealer shall maintain in plain sight over or next the main entrance of the premises where black Roman letters, not less than two inches wide and four inches in length, on a white ground, the words "Sold here," preceded by the name of the imitation article. If the selling is done in a wagon or other vehicle, such vehicle shall have conspicuously upon its outside on both sides of said wagon or vehicle the sign in plain black Roman letters not less than two inches wide and four inches long, on a white ground, containing the words "Delivered here," preceded by the name of the imitation article.

Second.—Imitation butter shall be kept in an enclosing package which shall bear on the outside of its body and also on its cover at all times, in plain sight, and in black Roman letters not less than one inch wide and two inches

long, on a white or light-colored ground, the name of the imitation article.

Third.—The seller shall orally inform each buyer at each sale that the article he buys is not butter and shall give the name of the imitation article.

Fourth.—Every person selling imitation butter, and every keeper of hotel, boarding house, or restaurant who shall furnish guests with imitation butter or food containing it shall, within fifteen days after the passage of this act, or within fifteen days of commencing said business, and annually on the first day of May, or within fifteen days thereafter, register in the book kept by the Dairy Commissioner for that purpose the name of the town, street and number of street of the place of business of said person, keeper of hotel, boarding house or restaurant; and signs prescribed in sections 2615, 2616 and 2617 of the general statutes shall be provided by the Dairy Commissioner; and all signs required under provision of section 2615 shall be placed in position under the direction of the Dairy Commissioner or his deputy. All signs so furnished by the Dairy Commissioner shall be paid for by the party receiving them, same to be furnished them at actual cost.

Sec. 2616. Prohibits the sale of any article of food containing imitation butter, unless the same bear a sign as hereinbefore first prescribed, and except that the word "used" may be substituted for the word "sold." If the selling is done from a wagon or other vehicle such vehicle shall conspicuously bear such a sign.

Sec. 2617. No keeper of a hotel, boarding house or restaurant shall furnish any guest with imitation butter or food containing it unless such keeper shall maintain in plain sight of all guests seated at tables where food is served such a sign or signs as hereinbefore prescribed, except that the word "used" shall be substituted for the word "sold."

Sec. 2618. Provides for the appointment of a Dairy Commissioner by the Governor for two years. Said Commissioner may appoint a deputy. He and his deputy shall have free access at all reasonable hours, for the purpose of examining into suspected violations of this chapter, to all places and premises, apartments of private families keeping no boarder excepted, where the said Commissioner or his deputy suspect imitation butter to be made, sold, kept or stored in transit, and may take samples for analysis upon tender of the market price of good butter for the same. It shall be the duty of the offi-

cials or agents of railway and express companies having knowledge or record of any consignment of imitation butter to inform the Commissioner or his deputy of such consignment, and the name of the assignee when requested by the Commissioner or his deputy. The Dairy Commissioner may have samples analyzed at the Connecticut Experiment Station, or by any state chemist, and a sworn certificate after analysis shall be *prima facie* evidence of the ingredients and constituents of the sample analyzed. Anybody refusing the Dairy Commissioner or his deputy access in a reasonable manner and at a reasonable time to premises for said purposes of examinations, or refusing to sell samples as hereinbefore provided for, shall incur the penalty hereinafter first provided for violations of this chapter. The Dairy Commissioner shall make annual reports to the Governor.

Sec. 2619. Any person violating the provisions of sections 2614, 2615 or 2616, and any person, except a boarding house keeper, violating section 2617, shall for the first offense be fined not more than \$100 or imprisoned not more than 60 days, or both, and for any subsequent offense said fine and imprisonment shall be doubled. Any boarding house keeper violating section 2617 shall for the first offense be fined \$25 or imprisoned not exceeding 30 days, or both; and for any subsequent offense such fine and imprisonment shall be doubled. Evidence of any violation of this chapter shall be *prima facie* evidence of wilful violation with knowledge.

AN ACT CONCERNING THE SALE OF TUB BUTTER.

Section 1. Prohibits the sale of any butter known as "tub butter" which is pressed or printed into what is known as bricks, pats, or balls, except under the following conditions: Every such brick, pat, or ball, shall have the word "tub butter" in one-half inch Roman letters stamped or pressed upon it, and if wrapped the wrapper shall be marked in like manner. The Dairy Commissioner is charged with the enforcement hereof, and shall have free access to all places and premises where he or his deputy suspect that a violation of this act has been committed.

Sec. 6. Provides a fine of not more than \$100 for any violation hereof.

VINEGAR.

Section 1. Prohibits the sale as cider vinegar any vinegar not produced wholly from the juice of apples. No person shall add to any vinegar or to any article sold as such any drug or hurt-

ful or foreign substance, or coloring matter or acid. Provides a fine of \$50 for the first offense and for a second or later offense a fine of \$100 and imprisonment for 30 days.

Sec. 2. Prevents the sale of any vinegar not having an acetic acidity equivalent to the presence therein of not less than four per cent by weight of absolute acetic acid; and in case of cider vinegar not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water. No manufacturer of vinegar shall sell the same without conspicuously branding, stenciling or painting upon the head of each barrel, keg or package containing same the name of the maker, his residence and place of manufacture, and the name and kind of vinegar contained therein, as: "cider vinegar" or "wood acid vinegar," "wine vinegar," "malt vinegar," etc.; *Provided*, This clause concerning marking shall not apply to retail sales at the place of manufacture, in quantities of less than five gallons, or in open packages. Provides a fine of \$10 for a first offense, and \$50 for a second or later offense for violating this act.

Sec. 3. Prohibits the sale or soliciting for sale or delivery within or without this state; first, any vinegar as cider vinegar not wholly produced from the juice of apples; second, any vinegar or article sold as vinegar to which has been added any drug or hurtful or foreign substance or coloring matter or acid; third, any vinegar not as specified in the first part of section 2 hereof; and, fourth, any vinegar not branded, etc., as required in the previous sections of this act. Provides a fine of \$10 for the first offense, and \$50 for a second or later offense. The delivery of any of the above mentioned articles shall be evidence that the order upon which delivery was made was for such articles, and shall render the person soliciting or receiving such order liable to the penalty above prescribed.

Sec. 4. The Dairy Commissioner shall have free access to all places and premises where he suspects any of the provisions of this act are violated, and upon tender of the market price of good vinegar he may take samples for analysis by himself or the state chemist, or by the Experiment Station; a sworn or affirmed certificate by such analyst shall be *prima facie* evidence of the ingredients and constituents of the samples analyzed; and the Dairy Commissioner shall make complaint to the proper prosecuting officer that the offender may be prosecuted.

Sec. 5. Any person refusing samples to the Dairy Commissioner shall be fined not more than \$7 or imprisoned not more than 30 days,

or both; evidence of any violation of this act shall be *prima facie* evidence of wilful violation with knowledge.

MOLASSES.

Sec. 2620. The Dairy Commissioner shall have free access to all places and premises where he suspects that molasses is adulterated or adulterated molasses is sold, and on tender of the market price of good molasses he may take samples thereof and have same analyzed by any state chemist or by the Experiment Station, and a sworn certificate of such analysis shall be *prima facie* evidence of the constituents of the sample analyzed, and the Commissioner shall make complaint to the proper prosecuting officer that the person violating this section may be prosecuted.

Sec. 2621. For refusing the Dairy Commissioner samples as herein provided any person shall be fined not more than \$7 or imprisoned not more than 30 days, or both.

Sec. 2622. Any person who shall adulterate molasses or sell the same, or receive any order therefor for delivery without or within this state, or any molasses adulterated with salts of tin, terra able, glucose, dextrose, starch sugar, corn sugar, or other preparation of, or from starch, shall be fined not more than \$500 or imprisoned not more than one year, or both. The delivery of any of the above mentioned preparations shall be conclusive evidence that the order upon which such delivery was made was for such articles, and render the person receiving same liable for the penalties above described.

FOOD PRODUCTS.

Section 1. Prohibits the sale of any article of food which is adulterated or misbranded within the meaning of this act.

Sec. 2. The term "food" shall include every article used for food or drink by man, horses or cattle. The term "misbranded" shall include every article of food and every article entering into the composition thereof, the packages or labels of which shall bear any statement purporting to name any ingredient as not being contained in such article, which statement shall be untrue in any particular, or any statement purporting to name the constituents of which any article is made, not giving fully the names of all the constituents contained in such article in any measurable quantity.

Sec. 3. An article shall be deemed adulterated: (1) If any substance be mixed or packed with it, so as to reduce or injuriously affect its quality or strength; (2) if any inferior substance be substituted wholly or in part for the

article; (3) if any valuable constituent or article has been wholly or in part abstracted; (4) if it be an imitation of or sold under the name of such article; (5) if it is colored, coated, polished or powdered whereby damage is concealed, or if it is made to appear better or of greater value than it is; (6) if it contains poisonous ingredients which may render such article injurious to health, or if it contains any antiseptic or preservative not evident and not known to the purchaser; (7) if it consists in whole or in part of a diseased, filthy, decomposed, or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal or of any animal that has died otherwise than by slaughter; *Provided*, That an article of food product shall not be deemed adulterated or misbranded in the following cases: (a) In the case of mixtures or compounds which may be known as articles of food under their own distinctive names, and not included in definition four hereof; (b) in the case of articles labeled, branded or tagged so as to show they are mixtures, compounds or combinations or blends; (c) when any matter or ingredient is added to a food required for the protection or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or to conceal the inferior quality thereof; (d) when a food is unavoidably mixed with some extraneous matter in process of preparation or collection.

AN ACT AMENDING AN ACT REGULATING THE MANUFACTURE AND SALE OF FOOD PRODUCTS.

Section 1. Sections 4 and 5 of chapter 235 of the Public Acts of 1895, are hereby amended to read as follows:

Sec. 4. The Connecticut Agricultural Experiment Station shall make analyses of food products on sale in Connecticut, or kept in Connecticut for export, to be sold without the state, suspected of being adulterated. Samples of food products for analysis shall be taken by the duly authorized agents of the station, or by the Dairy Commissioner or his deputy, at such times and places and to such an extent as in the judgment of the officers of said experiment station and of the Dairy Commissioner shall seem expedient. The Dairy Commissioner or his deputy shall have full access at all reasonable hours to any place wherein it is suspected that there is kept for sale or for export, as above specified, any article of food adulterated with any deleterious or foreign ingredient or ingredi-

ents, and said Dairy Commissioner or his deputy, upon tendering the market price of such article, may take from any person, firm or corporation, samples of the same. The said experiment station may adopt or fix standards of purity, quality, or strength, when such standards are not specified by law.

Sec. 5. Whenever said experiment station shall find by its analysis that adulterated food products have been on sale in the state, or kept in the state for export, for sale without the state, it shall forthwith transmit the facts so found to the Dairy Commissioner, who shall make complaint to the proper prosecuting officer, to the end that violators of the law relating to the adulteration of food products shall be prosecuted.

Sec. 2. This act shall take effect from its passage.

Approved March 23, 1899.

Sec. 6. Said station shall make an annual report to the Governor upon food products, in addition to reports required by law, not exceeding 150 pages.

Sec. 7. The sum of \$2,500 is hereby annually appropriated to the Connecticut Agricultural Experiment Station, payable in quarterly installments to the treasurer of the board of control upon order of the comptroller.

Sec. 8. Prohibits the sale of adulterated food products, whether the same be for man or horse or cattle, without informing the purchaser of the adulteration; and provides a fine of not more than \$500, or imprisonment not more than one year.

Sec. 9. Declares non-actionable contracts made in violation of this act.

MILK.

Sec. 2658. Whoever shall sell, supply or bring to be manufactured to any butter or cheese manufactory any milk diluted with

water or adulterated by the addition of any foreign substance, or from which any cream or milk commonly known as "strippings" has been taken; or whoever shall knowingly bring or supply to any butter or cheese manufactory milk that is tainted or partly sour, shall forfeit not less than \$25 nor more than \$100, with costs of suit, for the benefit of the person upon whom such fraud shall have been committed.

Sec. 2659. The usual test for quality and the certificate of analysis of the director of the Connecticut Agricultural Experiment Station shall be deemed *prima facie* proof of adulteration.

Sec. 2660. Prohibits the sale of any milk from which the cream has been removed without distinctly and durably fixing a label, tag or mark of metal in a conspicuous place upon the outside and not more than 6 inches from the top of every can, vessel or package containing such milk, and such label or tag shall have the words "skimmed milk" stamped, printed or indented therein in letters not less than 1 inch in height, and such milk shall only be sold out of the can, vessel or package so marked.

Sec. 2661. Prohibits the sale of any impure or adulterated milk.

Sec. 2662. Provides a fine for violations of the two preceding sections of not more than \$7, or imprisonment not more than 30 days, or both.

Sec. 2663. A printed notice of this and the five preceding sections shall be conspicuously posted in all public places, creameries or factories where milk is received or sold.

Sec. 2664. Any person who shall sell or expose for sale milk or any product from any cow which shall have been adjudged by the Commissioner upon diseases of domestic animals affected with tuberculosis, or other blood disease, shall be fined not less than \$7, or imprisoned not more than 30 days, or both.

DECISIONS OF THE SUPREME COURT OF CONNECTICUT ON FOOD LAWS.

VALIDITY. Where a city charter forbids the Board of Aldermen to pass ordinances regarding anything regulated by general statutes, an ordinance prohibiting the sale of any impure or adulterated milk is held to be void. *State vs. Tyrell*, 73 Conn. 407.

LICENSE. Under a charter authorizing a city council to pass an ordinance relative, among other things, "to the end that all subjects that

shall be deemed necessary and proper for the protection and preservation of the health, property and lives of the citizens," an ordinance prohibiting the sale of adulterated and impure milk within the city and requiring every one that sells milk of any kind to first procure a license, is void, in so far as it requires a license from all to sell milk whether they are petty grocers, hucksters, or common victualers. *State vs. Smith*, 67 Conn. 541.

DAIRY AND PURE FOOD LAWS OF THE STATE OF DELAWARE.

This State has no Food or Dairy Commission, nor any department specifically charged with the enforcement of the laws to prevent the adulteration of articles of food, drugs, drink, etc., with the exception of the inspectors of bread-stuff, appointed by the Governor, as hereinafter set forth. A digest of such laws on this subject as are in force in the State is as follows:

CHAPTER 161, VOL. 22.—LAWS OF DELAWARE, AMENDS CHAPTER 209, VOL. 20, TO READ IN SUBSTANCE AS FOLLOWS, STRIKING OUT SEC. 4 OF SAID LAST CHAPTER AND VOLUME:

Sec. 1. No person by himself, agent or servant shall render or manufacture for sale or offer or expose for sale any article, product or compound made wholly or partly of any fat, oil or oleaginous substance or compound thereof, not produced from pure adulterated milk or cream of the same; provided, nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like yellow butter. But when any person exposes for sale in this state oleomargarine, butterine or any substance made in imitation or semblance of pure butter, such person shall have conspicuously upon the surface of the exposed contents of every open tub, package, or parcel thereof a placard with the words "Oleomargarine" or "Butterine," or whatever the name of the contents of the package may be, printed thereon in plain uncondensed Gothic letters not less than one inch long. If any person shall violate the provisions of this section he shall be deemed guilty of a misdemeanor, punishable in the Court of General Sessions of the Peace and Jail Delivery, and fined not less than \$50 nor more than \$250 for each offense.

CHAPTER 209—VOL. 20.

Sec. 2. Provides that if any person make complaint duly verified in writing to any justice of the peace, that he has probable cause to suspect and believe that any other person by himself or agent has rendered or manufactured, sold, offered or exposed for sale, or has in possession with intent to sell any article, product or compound, made as aforesaid in imitation of yellow butter, produced as aforesaid, and shall

describe such articles, produce or compound in said complaint and designate the place where he suspects such article, product or compound is, and the name of the person suspected, as aforesaid; such justice of the peace may within his jurisdiction issue his warrant to search such place; such warrant may be directed to any officer or other person by name for service, shall recite the essential facts alleged, and the officer or person designated for such service shall proceed as follows: He may enter the place designated and if he finds therein what he believes to be any product or compound made in imitation of yellow butter, produced as aforesaid, he shall take therefrom a sample for the purpose of analyzing or testing the same, as hereinafter provided, and to obtain such sample, such officer or person may open any can, vessel or package believed to contain such imitated article and take therefrom the sample for the purpose aforesaid. Such officer or person taking said sample as aforesaid, shall then and there divide said sample into two equal parts, wrap said parts in separate parts, seal the same and offer one of said parts to the person in whose custody said article was found with a written notice of the time, place and date, when and where said sample was taken and that it was taken to be analyzed or tested. The other part of said sample shall together with a copy of said written notice be delivered by said officer or person to the state chemist, who shall cause same to be analyzed or tested, and record and preserve the result of said analysis or test as evidenced.

Said officer or person shall within one week after said delivery to said chemist return said warrant with his proceedings thereunder and actual costs and expenses endorsed thereon, to said justice of the peace; said cost to be in amount as near as may be with costs to which an officer serving a search warrant would thereby be entitled to.

Said sample being delivered to said chemist, he shall analyze or test same as early as convenient and forward to the Attorney-General a certificate of the result thereof duly verified, and such certificate shall be admitted as evidence before the grand or petit jury in any prosecution under this act.

Sec. 3. Provides a fine for violation of Sec. 1, not less than \$50 nor more than \$250, or imprisonment not exceeding one year, and cost of prosecution to which shall be attached cost of said Justice of the peace and actual expenses

endorsed on said warrant and charge of said chemist, whose charge shall not in any one case exceed \$20. In case of failure to convict, said cost shall be paid by the county where the prosecution is conducted; provided, the amount of money paid by any county shall not exceed \$200 in any one year.

Sec. 5. Repeals all acts inconsistent herewith.

CHAPTER 67, REVISED CODE—1852. AS AMENDED IN 1893.

SALE AND INSPECTION OF BREADSTUFFS.

Sec. 1. Provides that the weight of wheat or Indian Corn shall be 60 pounds of wheat to the bushel and 56 pounds of corn to the bushel.

Sec. 2. Provides that all casks for the exportation of breadstuffs shall be made of seasoned materials and shall be of the following sizes: No. 1, 27 inches long, 16½ inches in diameter at the head and contain 196 pounds; No. 2, 22¾ inches long, 12½ inches in diameter and contain 98 pounds. But if any person export from New Castle county to any foreign port beyond the United States, or sell for exportation any wheat flour, rye flour or middlings of wheat packed in casks of unseasoned materials or of other dimensions or of less weight per cask he shall forfeit to the flour inspector 40 cents per cask and have remedy over against the miller or cooper who furnished same.

Indian cornmeal shall be packed for exportation from New Castle, Middleford, Seaford or Sussex counties to any foreign port or port where no exportation laws exist, in strong, tight hogsheads of well-seasoned white or red oak, well secured; the staves 41 inches long, 27 inches in diameter at head, containing 800 pounds net; or in casks 26 inches long, 16½ inches in diameter, containing 196 pounds, or in one-half barrels 22 inches long, 12½ inches in diameter, containing 98 pounds, under the penalty herein provided for flour, except that wheat flour or kiln-dried Indian cornmeal may be exported in sacks or packages if inspected and passed, and same fees paid for inspection as in proportion for barrels.

Sec. 3. Provides that each miller shall brand or mark his own name, or other name by which it may be distinguished as his, on every cask of breadstuff manufactured by him (for exportation), marking the kind, quality, weight and tare under penalty of 20 cents for each cask or hogshead not branded, to any person suing for same. Any person marking a false weight or wrong tare to the disadvantage of a purchaser shall forfeit \$1.00 to the inspector for each cask, etc., falsely branded.

Sec. 4. All wheat flour manufactured for sale or exportation shall be merchantable and of due fineness.

Sec. 5. The Governor shall appoint a Flour Inspector to reside in the City of Wilmington and another to reside in Middleford or Seaford, who may appoint necessary deputies, and hold office four years.

Sec. 6. No person shall export from New Castle county to any foreign port or United States port having no inspection laws any superfine or common flour or middlings, rye flour or Indian corn meal not duly inspected.

Sec. 7. The inspector shall try packing and quality by boring or piercing or unpacking, if the quality be found insufficient charges of packing or repacking shall be paid by the miller with the penalty aforesaid; otherwise the Inspector shall pay such charges, or the purchaser, if done at his request.

Superfine flour shall have stamped on the plug "S. D.," if not superfine or merchantable common flour the letters "C. D.," if below that quality said flour shall be deemed as unfit for exportation and marked with a circle and cross in red chalk. "Middlings," "Fine Rye Flour," "Rye Flour" and "Kiln Dried Corn Meal" shall be so marked or condemned according to the quality thereof.

Fee for inspecting shall be one cent for each cask or barrel and 3 cents for each hogshead, to be paid by the person exporting same, whether approved or condemned.

Sec. 8. Provides that in case of dispute of inspection that any judge shall appoint three persons to examine such flour, to state and report to him its quality and condition. Their report shall be final. If the report sustain the inspector the other party shall pay the arbitrators 50 cents each; if otherwise, inspector shall pay them and pass the breadstuff as merchantable.

Sec. 9. Inspector or his deputies shall, when requested, go on board any vessel within 10 miles of Wilmington, New Castle, Port Penn, Middleford or Seaford to inspect more than 50 casks, under penalty of \$30.00 to any one who will sue for same.

Prohibits such inspector or deputy from bartering in flour other than superfine, under penalty of \$100.00.

Sec. 10. If any person shall falsely brand any breadstuff, after inspection, to evade the inspection, or knowingly or fraudulently ship same with false brand, he shall forfeit \$100. Every cask, etc., so falsely branded shall be forfeited to the state and may be seized by the inspector or deputy, one-half for his own use, and if any person shall brand or make the mark of the Superfine, Common or Middlings on any

cask of flour after it shall have been taken from the mills, before inspected and allowed as such by the inspector, such person shall forfeit 20 cents to any person who will sue for the same.

Sec. 11. Any flour branded "Superfine" or "Common" containing corn meal or other adulteration, shall be forfeited to the state and seized as aforesaid, one-half to the inspector's use.

In case of any seizure he shall sell the same after 10 days' notice in one or more newspapers of the state at public vendue and pay over one-half the proceedings to the state treasurer, within 20 days thereafter.

(All Superfine or Common Flour, Middlings, Rye Flour and Indian Corn Meal offered for sale and sold for commission in the City of Wilmington shall be first duly inspected and any person violating this act shall pay to the Flour Inspector of said city for the use of the state five cents for each barrel and 10 cents for each hogshead of corn meal, middlings or rye flour so sold without inspection, to be recovered as like amounts are recoverable in this state.)

ADULTERATED CANDY.

Chapter 267, Vol. 21.

Sec. 1. No person or corporation shall by himself or itself or agent or as the agent of any person or corporation knowingly manufacture for sale, sell or offer for sale any candy adulterated by the admixture of Terra Alba, Barytes Talc or other mineral substance or poisonous colors or flavors or ingredients deleterious to health.

Sec. 2. Provides a fine for violation of Sec. 1 of not less than \$50.00 or more than \$100.00.

The candy so adulterated shall be forfeited and destroyed under the direction of the Attorney General.

PAGE 440, VOL. 21, LAWS OF 1898-1899.
CHAPTER 270.

MARKING WEIGHTS ON PACKAGES, ETC.

Sec. 1. Provides that on and after the first day of April, 1899, each and every bag, package, parcel or box of flour or grain meal of any kind exposed or offered for sale in this state shall have marked or printed prominently, distinctly and conspicuously thereon the correct weight in avoirdupois of the flour or other grain meal contained in such bag, etc.

Sec. 2. Provides that on and after the day aforesaid it shall be unlawful for any person, firm or corporation to offer or expose for sale any bag, package, parcel or box of flour, or any kind of grain meal, unless same has printed thereon as aforesaid the correct weight. Provides a violation hereof a misdemeanor, punishable by a fine of \$25 and costs.

Sec. 3. Provides that on and after the day aforesaid if any person, firm or corporation shall print or mark the weight of flour, or other grain meal, on any such bag, package, parcel or box, as aforesaid, falsely or in any way to deceive the public, they shall upon conviction pay a fine of \$25.

VOL. 22, PAGE 160, LAWS OF 1901.

Chapter 101.

MARKING FRUIT.

Sec. 1. Adds a new section, known as section 22, to chapter 216, vol. 21, which reads in substance as follows: Provides that the Board of Agriculture shall have power to compel all fruit growers to stamp or mark the baskets, boxes, packages, crates, parcels or other receptacles used by them for shipment with such person's name or initials, or some distinguishing device or mark which may be readily and easily seen on the same; and said Board may adopt rules to carry this into effect.

Provides a penalty for a violation of this section of \$5 and makes it a misdemeanor.

DECISIONS OF THE SUPREME COURT OF DELAWARE ON FOOD LAWS.

LICENSE TO SELL FOOD. Although the provisions of a charter authorize a city to provide by ordinance against the adulteration of milk or cream sold, and for its inspection, it does not

give the right to impose a license from dealers, and such power will not be implied unless it is shown to be necessary. *Gray vs. Wilmington*, 2 Marv. (Del.) 257, 43 Atl. 94.

PURE FOOD LAWS OF FLORIDA.

The State of Florida has no Food or Dairy Commission nor any department with direct supervisory powers over the administration of the laws on this subject.

A digest of such laws as are in force on the subject in this state is as follows:

TITLE II. CHAPTER 8.

UNWHOLESOME FOOD AND ADULTERATION OF LIQUOR.

Sec. 2659. Whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making same known to the buyer, shall be punished by imprisonment not exceeding 6 months or fined not exceeding \$200.

Sec. 2660. Provides that whoever fraudulently adulterates for the purpose of sale any bread or other substance for food with any substance injurious to health shall be punished by imprisonment not exceeding one year and fined not exceeding \$300.00. The article so adulterated shall be forfeited and destroyed under the direction of the court.

Sec. 2661. Whoever kills or causes to be killed for the purpose of sale any calf less than four weeks old, or sells or possesses with intent to sell the meat of any calf killed when less than four weeks old, shall be punished by a fine not exceeding \$200.

Sec. 2662. Whoever knowingly and willfully causes to be sold as butter any spurious preparation purporting to be butter, known as oleomargarine, or by other name, shall be punished by imprisonment not exceeding thirty days or by fine not exceeding \$100.

Sec. 2663. Any keeper of any hotel or boarding house who knowingly supplies oleomargarine or other spurious substance purporting to be butter to his guests without notice thereof, shall be punished as above.

Sec. 2664. Whoever adulterates for the purpose of sale any liquor used or intended for drink with cocculus, indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead or other substance, which is poisonous and injurious to health; and whoever knowingly sells any liquor so adulterated shall be punished by imprisonment in the state prison

on not exceeding three years, and the liquor so adulterated shall be forfeited.

ADULTERATED CANDY.

Chapter 4546, Laws of 1897.

Sec. 1. No person shall, by himself, servant or agent, or as the agent of another manufacture for sale, knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance or by poisonous colors or flavors or other ingredients deleterious to health.

Sec. 2. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding \$100 nor less than \$50, and the candy so adulterated shall be forfeited and destroyed under direction of the court.

Sec. 3. This act shall take effect upon its passage and approval by the governor.

DRUGS.

Sec. 2668. Whoever fraudulently adulterates for the purpose of sale any drug or medicine, or sells any fraudulently adulterated drug or medicine knowing the same to be adulterated, shall be punished by imprisonment not exceeding one year or fined not exceeding \$400.00. Such drugs or medicines shall be forfeited and destroyed under the direction of the court. If the offender be a pharmacist his name shall be stricken from the register.

FALSE PACKING.

Sec. 2710. Whoever fraudulently puts into any barrel, bag, bale of cotton, cask or other package of sugar, rice or pork, or any article of provisions, any dirt, rubbish or other thing shall be fined not exceeding \$1,000.

LAWS OF 1901, PAGE 127-128.

Chapter 4976.

Requires all merchants, provision dealers and storekeepers, and all other persons selling or offering to sell flour, meal, oats, grits, wheat, rye, peanuts, potatoes or beans already put up and packed in sacks, bags or barrels in original packages, to mark, stamp or stencil on the sacks, barrels or bags the exact weight thereof in pounds avoirdupois. Makes a violation of this act a misdemeanor punishable by a fine not exceeding \$200 or imprisonment in the county jail not exceeding three months or both.

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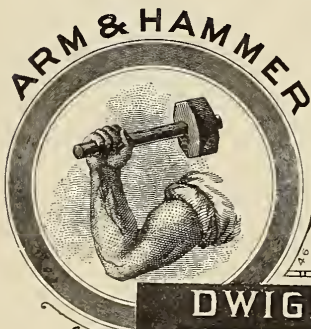
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THE VALUE OF SODA OR SALERATUS
DEPENDS ENTIRELY UPON THE AMOUNT
OF CARBONIC ACID GAS IT CONTAINS,
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CHURCH & DWIGHT CO.
NEW YORK.

PURE FOOD LAWS OF GEORGIA.

The State of Georgia has no Dairy or Food Commission, nor any board with supervisory powers over food products, except in a general way through the Agricultural Department. The Agricultural Department consists of the following members:

O. B. Stevens, Commissioner.

R. F. Wright, Assistant Commissioner.

A digest of the laws on this subject is as follows:

No. 261.

An act to prevent the practice of fraud upon the public in the sale and use of the product known as oleomargarine, by prescribing the manner in which it may be sold, and the conditions upon which hotels, inns, restaurants and houses of public entertainment can only furnish it to their guests. Providing a penalty for the violation of the same.

Sec. 1. Provides it is unlawful for a manufacturer, merchant, shopkeeper or other person to sell or expose for sale the product known as oleomargarine without his branding, marking or labeling the same in a legible manner and conspicuous place with the word "Oleomargarine," so as to be easily observed by persons offering to purchase same, and without first informing such person that the article is oleomargarine.

Sec. 2. Provides it is unlawful for any proprietor, keeper or manager of any hotel, inn, restaurant or house of public entertainment to furnish or permit to be offered, furnish or set before his guests the article known as oleomargarine without first giving notice by posting in a conspicuous place in the dining-room and all other rooms where guests are accustomed to take meals, also in private rooms of guests, notices that can be easily observed and read by the guests in the following words: "This house uses oleomargarine," and by printing such notices on their bills of fare, when such bills are used by any such house.

Sec. 3. Any person knowingly violating this act shall be guilty of a misdemeanor and punished as prescribed in section 4310 of the code.

Sec. 4. Repeals all laws conflicting herewith.
**ADULTERATED MILK. BUTTER,
 CHEESE, UNWHOLESOME PROVI-
 SIONS, ETC.**

ARTICLE 16.

Par. 456. Provides that no person, corporation or agent thereof shall sell, expose for sale or deliver for domestic use any unclean, impure, unwholesome, adulterated or skimmed

milk, or milk from which has been held back what is known as "strippings," or milk taken from an animal having disease, ulcers or abscesses, or from an animal within fifteen days before or five days after parturition. Provided, this section shall not apply to the sale of adulterated milk or skimmed milk when sold as such. Milk proven by any reliable test or analysis to contain less than 31½ per cent of butter fat shall be regarded as skimmed or partially skimmed milk.

IMITATION BUTTER AND CHEESE.

Par. 457. Every article, substance or compound other than that produced from pure, whole milk or cream from the same, made in the semblance of butter or cheese, designed as a substitute for butter or cheese made from pure milk or cream from the same, or as imitation butter or imitation cheese, as the case may be, provided, the use of salt rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Par. 458. Prohibits any person by himself or agent from producing, manufacturing and selling, keeping or offering for sale any imitation butter or cheese made in violation of this article, whether such imitation be made in this state or elsewhere: but nothing herein shall be construed prohibiting the manufacture and sale of imitation cheese or butter under regulations herein provided if manufactured and sold as herein prohibited.

Par. 459. No person by himself or otherwise shall sell or offer for sale any imitation butter or cheese under the pretense that it is genuine butter or imitation cheese, or sell any such imitation without notifying the purchaser distinctly at the time of sale that it is such an imitation and delivering to the purchaser such a statement printed in black letters not smaller than four line pica in the English language, that the article is an imitation and give the name and address of the producer and contain no other words.

Par. 460. No keeper or proprietor of a bakery, hotel, boarding-house, saloon, restaurant, lunch counter or other place of public entertainment or any employe or person having charge thereof or any person furnishing board to others than his own family, shall keep, use or serve therein either as food for the guests or otherwise, boarders, customers or employes, or for cooking purposes, any imitation butter or imitation cheese, unless such keeper, proprietor or other person keep constantly posted

in a conspicuous place in the room where such imitation shall be served or sold, so that same may be easily seen and read by any person in such place, a white card not less than 10 by 14 inches in size, on which shall be printed in English, in plain black, Roman letters, the words "Imitatioin butter used here" or "Imitation cheese used here," as the case may be, and said card shall contain no other words.

Par. 461. No person shall coat, powder or color with annatto or any coloring matter whatever, any substitute for butter or cheese whereby such substance shall be caused to resemble butter or cheese, the product of pure milk or cream.

Par. 462. No person shall combine any fat or vegetable oil or other substance with butter or cheese, or combine therewith animal fat or vegetable oil any annatto or other coloring matter for the purpose of imparting thereto a yellow color or any shade of yellow, so that such substance shall resemble genuine butter or cheese, nor introduce any such coloring matter into any article of which said substitute may be composed. Provided, nothing in this act shall

prohibit the use of salt, rennet or harmless coloring matter for coloring the product of pure milk or cream from the same.

Par. 463. Every person who willfully manufactures any substance as a substitute for butter or cheese shall brand, stamp or stencil upon the top and side of each box, tub or other vessel in which said substitute shall be kept or removed from the place where produced, in a clear durable manner in the English language the words "Substitute for butter," or "Substitute for cheese," as the case may be, in printed letters, in plain, Roman type, each one to be not less than one inch in width and one-half inch in width.

464. No person shall possess or control, except for consumption by himself or family, any substance designed to be used as a substitute for butter or cheese, unless the vessel containing it shall be marked as required in the preceding section.

PENALTY.

A violation of any of the foregoing provisions of this article shall be a misdemeanor.

PURE FOOD LAWS OF IDAHO.

The State of Idaho has no Food or Dairy Commission, and no department is specifically charged with the enforcement of the laws providing against the adulteration of food products, but they are left to be enforced in like manner as other laws providing penalties for misdemeanors.

A digest of these laws is as follows:

Sec. 6917. Every person who sells or keeps for sale, or offers for sale or disposes of oleomargarine, butterine, mixture, imitation butter or adulterated butter under the name or pretense that the same is butter, or adulterates butter for sale without branding the same or the package in which it is contained on the outside thereof with the word oleomargarine, butterine or adulterated butter is guilty of a misdemeanor.

Sec. 6918. Every person who adulterates or sells any article of food, drink, drug, medicine, spirituous or malt liquor or wine, or any article useful in compounding them, with intent to offer or cause or permit same to be offered for sale as unadulterated or undiluted, is guilty of a misdemeanor.

Sec. 6919. Every person who knowingly sells, keeps or offers for sale or disposes of any article of food, drink, drug or medicine knowing the same has become tainted, decayed, spoiled, unwholesome or unfit to be eaten or

drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

Sec. 6920. Every person who slaughters, offers or exposes for sale to the public any animal that has been confined for 48 hours or more without proper food or 24 hours without water is guilty of a misdemeanor.

ADULTERATED CANDY.

Sec. 1, Page 398-399, Laws of 1899. No person shall by himself or agent, or as the agent of another person, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or other mineral substance, or by other poisonous colors or flavors or other ingredients deleterious to health.

Sec. 2. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and fined not exceeding \$100 nor less than \$25, or imprisonment not exceeding 100 days nor less than 30 days, or both, and pay in addition all necessary expenses and costs incurred in inspection and analysis of such adulterated candy, and the same shall be forfeited and destroyed under the direction of the court.

Sec. 3. It is hereby made the duty of the county and prosecuting attorneys of the State to appear for the state and prosecute all complaints under this act in their respective counties.

VINEGAR.

Sec. 1, Page 368, Laws of 1899. No person shall manufacture for sale or possess with intent to sell any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric acid, or other ingredient deleterious to health.

Sec. 2. Provides that no person by himself or otherwise shall sell, exchange, expose or offer for sale any adulterated vinegar or vinegar not in compliance with the provisions of this act. Nor shall he label, brand or sell as cider vinegar or as apple vinegar any vinegar not the legitimate product of pure apple juice, or not made exclusively from apple cider.

Sec. 3. All manufacturers of vinegar in the State of Idaho and persons who reduce or re-barrel vinegar in lots of one barrel or more are required to have stenciled or marked in black letters and figures at least one inch in length on the head of each barrel or package of vinegar bought and sold by them the kind (as cider, malt, grain or wine, etc.) and the standard strength of the vinegar contained in the package or barrel, which shall be denoted by the per cent of acetic acid. All vinegar except cider vinegar shall have an acidity of not less than $4\frac{1}{2}$ per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain not less than 2 per cent by weight of cider vinegar solids, upon full evaporation over boiling water.

Sec. 4. No person or persons known as retailers who sell vinegar by the gallon shall reduce by water or otherwise the strength of vinegar purchased and sold by them, unless he shall mark in plain figures on said package or barrel the strength of the vinegar still contained in said package or barrel.

Sec. 5. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and all vinegar found in their possession not in accordance with this act shall be forfeited.

This act shall not be construed as meaning that the possession of vinegar in barrels or packages shall be *prima facie* evidence of having the same for sale.

Sec. 6. This act shall take effect upon approval of the governor. Approved March 9, 1899.

OLEOMARGARINE.

"An act regulating the sale of imitation butter, and prescribing rules for making the same, and fixing penalties for violating this act."

Sec. 1, Page 392, Laws of 1899. Provides that every article, substitute or compound other than that produced from pure milk or cream therefrom, made in semblance of butter and to

be used as a substitute for butter made from pure milk or cream, is hereby declared to be imitation butter.

Provided, that the use of salt and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Sec. 2. No person shall coat, powder or color with annatto or any coloring matter any substance designed as a substitute for butter, whereby such substitute or product shall be made to resemble butter the product of the dairy.

No person shall combine therewith any animal fat or vegetable oil or other substance for the purpose of imparting thereto a yellow color or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or substance into any of the articles of which the same is composed.

Provided, nothing in this act shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the product of pure milk or cream from the same.

No person shall by himself or otherwise produce or manufacture any substance in imitation or semblance of natural butter, nor sell, keep or offer for sale any imitation butter made or manufactured in violation of this section, whether such imitation butter be produced in this state or elsewhere.

This section shall not be construed to prohibit the manufacture and sale under the regulations hereinafter provided of substances designed to be used as a substitute for butter, and not manufactured or colored as herein prohibited.

Sec. 3. Every person who shall lawfully manufacture any substance as a substitute for butter shall mark by branding, stamping or stenciling upon the top and side of each tub, firkin, box or package in which said article shall be kept, and in which it shall be removed from the place where produced, in a clear and durable manner in the English language the word "Oleomargarine," or the word "Butterine," or the words "Substitute for butter," or "Imitation butter," in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

Sec. 4. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof at the time of sale that the substance sold or offered for sale is imitation butter.

Sec. 5. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor. Approved March 6, 1899.

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WE WANT TO INCREASE OURS.

This result can be accomplished by selling

Coin Special Brands

OF

**HAMS=BACON=LARD
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Consumers after once having used

COIN SPECIAL BRANDS

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THE G. H. HAMMOND CO.

HAMMOND, IND.

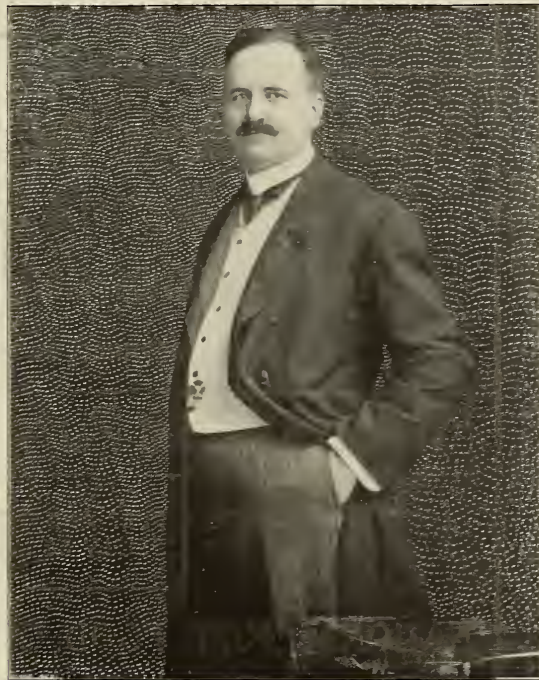
242 LAKE STREET, CHICAGO.



A. H. JONES,
Illinois State Food Commissioner.



DR. E. N. EATON,
Illinois State Analyst



R. M. PATTERSON,
Assistant Illinois State Food Commissioner.

ILLINOIS STATE FOOD COMMISSION.



LOUDON'S

Tomato Catsup,
 "Rockaway" Catsup,
 (FOR OYSTERS)
 Tomato Soup.

✿ ✿ FAULTLESS FLAVOR AND QUALITY ✿ ✿

USED BY ALL THE BEST PEOPLE.
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CHAS. F. LOUDON,
 CINCINNATI, OHIO.



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French Soups, Baked Beans
 Catsup, Vienna Sausage
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The National Pure Food Co.

ABSOLUTELY PURE AND THE FINEST
 THAT CAN POSSIBLY BE MADE. ✿ ✿

NATIONAL PURE FOOD CO., CINCINNATI.

PURE FOOD LAWS OF ILLINOIS.

In the State of Illinois the State Food Commissioner's office is charged with the enforcement of the laws relating to the adulteration of food and drink. The State Food Commissioner is appointed by the Governor. His term of office is for two years, at a salary of \$2,500 per annum. The Food Commissioner may appoint, with the advice and consent of the Governor, two Assistant Commissioners, one of whom shall be an expert in dairy products, and the other of whom shall be a practical analytical chemist, who shall be known as the State Analyst. The General Assembly of 1901 has also appropriated the sum of \$1,000 per annum to the State Food Commissioners, for the salary of an Assistant State Analyst. The State Food Commissioner may also appoint not to exceed six inspectors to assist him in the work of his office. The salary of such inspectors is fixed at \$3.00 per day and necessary expenses. The Illinois Food Commission is composed of the following members:

Alfred H. Jones, Commissioner.

R. M. Patterson, Assistant Commissioner.

E. N. Eaton, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

Thomas E. Lannen, Stenographer.

Inspectors—Frank Hoey, J. C. Ware, Frank L. Hubbard, J. C. Eagleton, Carl E. Tragardh, Williard C. Campbell.

A digest of the laws upon the subject of the adulteration of food and drink, as taken from the annual report of the State Food Commissioner for 1899-1900, is as follows:

Sec. 1. That the Governor shall appoint a State Food Commissioner for the term of two years at the salary above noted.

Sec. 2. The Commissioner may appoint two Assistant Commissioners at a salary of not exceeding \$1,800 each per annum and necessary expenses. One of such assistants shall be an analytical chemist, and the other an expert in dairy products.

Sec. 3. The Commissioner may appoint not to exceed six inspectors. They shall have the same right of access to places to be inspected as the Commissioner. Their compensation is fixed at \$3.00 per day and necessary expenses.

Sec. 4. The Commissioner shall enforce laws that now exist or may be enacted regarding the production, manufacture and sale of dairy products, and the adulteration of articles of food, and prosecute for violations of these laws.

Sec. 5. The Commissioner shall inquire into

the quality of dairy and food products and the constituents of food manufactured or sold within this state, and he may procure samples of the same and direct the state analyst to make analysis thereof. If the same be adulterated he shall prosecute as directed under this act. The Food Commissioner or his assistants may enter any dairy, creamery, cheese factory, store, salesroom, warehouse (except bonded warehouses for the storage of distilled spirits), where goods are stored or exposed for sale, and also have power to open any cask, tub, bottle or package containing any article of food and take samples therefrom for analysis. The person making such inspection shall take such sample of such article in the presence of at least one witness, and mark or seal same, and tender at the time of taking to the manufacturer or vendor the value thereof, but if the person from whom sample is taken shall request him to do so, he shall seal two samples of the article seized, one of which shall be for analysis under the direction of the Commissioner and the other shall be delivered to the person from whom taken. Any person who shall obstruct the Commissioner or his assistants by refusing him entrance to any place where he desires to enter in the discharge of his duty, or refuse to deliver him a sample of any article of food when the same is requested and the value thereof tendered, is guilty of a misdemeanor, punishable by a fine of not exceeding \$50 for the first offense, and \$500 nor less than \$50 for each subsequent offense.

Sec. 6. The State's Attorney in any county of the state shall assist the Commissioner upon request.

Sec. 7. The State Board of Health may submit samples of food and drink for examination or analysis to the Commissioner and receive special reports from him.

Sec. 8. It is unlawful for the State Analyst to furnish any person any certificate as to the purity or excellence of any article manufactured or sold by him.

Sec. 9. Provides for the payment of the Commissioner's salary.

Sec. 10. Provides for the furnishing of a laboratory for the purpose of making analyses under this act; also provides an annual appropriation therefor of \$600.00.

Sec. 11. Provides for an annual report from the Commissioner to the Governor on or before the first day of January in each year, and as to what said report shall contain. Also provides



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but we are making only absolutely
pure goods, and desire to call atten-
tion to the high quality of our
Candies, including our Fine Chocolates,
which we believe we can safely say, are
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for the distribution of such reports throughout the state.

Fines, penalties and costs for violations of this act shall be paid into the state treasury.

ADULTERATED FOOD.

Sec. 12. Prohibits the manufacture, sale or possession with intent to sell any article of food adulterated within the meaning of this act.

Sec. 13. The term "food" includes all articles, whether simple, mixed or compound, used for food, candy, drink or condiment by man or domestic animals.

Sec. 14. An article shall be deemed adulterated:

First, if any substance has been mixed with it so as to depreciate or injuriously affect its quality, strength or purity; *second*, if any inferior or cheaper substance has been substituted wholly or in part for the article; *third*, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; *fourth*, if it be an imitation of and sold under the name of another article; *fifth*, if it is mixed, colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; *sixth*, if it contains any substance or ingredient which is poisonous or injurious to health; *seventh*, if it consists wholly or in part of a decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or if it is the product of a diseased animal, or if of an animal that has died otherwise than by slaughter; *provided*, that an article of food which does not contain any ingredient injurious to health, and in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section, shall not be deemed to have been adulterated; *provided, further*, that all manufactured articles of food offered for sale shall be distinctly labeled, marked or branded with the name of the manufacturer, place of manufacture, or the name and address of the packer or seller of same.

VINEGAR.

Sec. 15. Prohibits the manufacture or sale or possession with intent to sell any vinegar not in compliance with the provisions hereof. No vinegar shall be sold as apple, orchard or cider vinegar which is not the product of pure apple juice, known as apple cider, and apple or orchard or cider vinegar shall contain upon

test not less than one and three-quarters per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 16. Vinegar made by fermentation and oxidation without the intervention of distillation shall be branded with the name of the fruit or substance from which the same is made. Vinegar made from distilled liquor or partly therefrom shall be branded "distilled vinegar." Fermented vinegar, not distilled, shall contain not less than one and one-quarter per cent by weight upon full evaporation (at the temperature of boiling water) of solids contained in the fruit from which said vinegar is fermented, and said vinegar shall contain not less than two and a half-tenths or one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegar shall be made wholly from the fruit or grain from which it purports to be made, and shall contain no foreign substance, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 17. Prohibits the manufacture or sale or possession with intent to sell any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or mineral acid, or other ingredients injurious to health. The package containing vinegar shall be marked or branded on the head of the cask, barrel, or keg containing same with the name and residence of the manufacturer or dealer, together with the brand required in section 16 hereof.

ICE.

Sec. 18. Prohibits the sale or delivery for food or drink purposes of natural or manufactured ice containing decomposed, putrid, infected, tainted or rotten animal or vegetable substances, or any ingredient injurious to health. Ice intended for food or drink purposes shall not be composed of water of lower standard of purity than that required for domestic purposes by the State Board of Health.

CANDY.

Sec. 19. Any person manufacturing or selling candy or confectionery adulterated by the admixture of terra alba, barytes, talc or other earthly or material substances, or any poisonous coloring, flavoring or extract, or other deleterious ingredients detrimental to health, shall be punished by a fine of not less than \$10 nor more than \$100, or imprisonment in the county jail not less than ten nor more than thirty days, or both.

PRESERVED FRUITS.

Sec. 20. No packer or dealer in preserved

American Hominy Company

Cerealine

Quick Malt

Hominy

Grits

Meal ✕

✕ Flour

and

Hominy

Feed

Manufacturers

of=====

White

Corn

Products

Chicago, Illinois,

U. S. A.

Great Northern Building.

or canned fruits or vegetables or other articles of food shall sell or offer for sale such canned or preserved fruits or vegetables or other articles of food unless they shall be entirely free from substances and ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label, bearing the name and address of the firm, person or corporation that packs same or the dealer that sells the same. All soaked or bleached goods or goods put up from products dried before canning shall be plainly marked, branded, stamped or labeled as such with the words "soaked" or "bleached goods" in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer or dealer who sells the same.

FRUITS, JELLIES, JAMS, ETC.

Sec. 21. Prohibits the manufacture, sale or possession with intent to sell as fruit, jelly, jam or fruit butter any jelly, jam or imitation fruit butter or other similar compound made in whole or in part of glucose, dextrine, starch or other substances and colored in imitation of fruit, jelly, jam or fruit butter; nor shall any such jelly, jam or fruit butter or compound be manufactured or sold or offered for sale under any name or designation whatever unless the same shall be composed entirely of ingredients not injurious to health, and every can, pail or package of such jelly, jam or fruit butter sold in this state shall be distinctly and durably labeled "Imitation fruit, jelly, jam or butter," with the name and address of the manufacturer or dealer therein.

Sec. 22. Extracts made of more than one principal must be labeled with the name of each principal, or with the name of the inferior or adulterant.

When an extract is labeled with two or more names the type must be similar in size. The word "compound" can't be used. Extracts which cannot be made from the fruit, berry or bean, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "artificial." Chocolates and cocoas must not contain substances other than cocoa mass, sugar and flavoring and will not be required to be labeled "compound" or "mixture." Prepared cocoanut, if so labeled, shall contain nothing but cocoanut, sugar and glycerine, and shall not be classed as compound or mixture.

Sec. 23. Whoever shall falsely brand, mark or label any article or product required by this act to be branded, marked or labeled, or shall remove, alter, deface, imitate or counterfeit any brand, mark or label so required shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$200 and costs, or

by imprisonment in the county jail for not less than 30 nor more than 90 days, or both, for each offense.

Sec. 24. The taking of orders or making of agreements or contracts for the future delivery of any article, product, goods, wares, or merchandise, within the provisions hereof shall be deemed a sale.

Sec. 25. Every person manufacturing, offering or exposing for sale or delivery to a purchaser any article intended for food, shall furnish upon application a sample thereof sufficient for analysis of any such article. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other officer appointed hereinunder, and whoever willfully neglects or refuses to do any of the acts or things enjoined by this act, or violates any of the provisions hereof, is guilty of a misdemeanor, and unless otherwise provided herein, shall be punished by a fine not exceeding \$200 nor less than \$25, or be imprisoned in the county jail for a period not exceeding 90 days, or both.

Sec. 26. Repeals acts inconsistent with this act, and section 6 of an act to prevent the adulteration of butter and cheese, etc., approved June 1st, 1881.

MILK.

An act to regulate the sale of milk. Approved May 29th, 1879. In force July 1st, 1879.

Sec. 1. Provides that whoever shall for the purpose of sale for human food adulterate milk with water or foreign substance, or knowingly sell for human food milk from which the cream has been taken without notifying the purchaser thereof, or sell milk from which the "strip-pings" have been withheld without notifying the purchaser thereof, or sell milk drawn from a diseased cow knowing her to be so diseased as to render her milk unwholesome, and whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or supply or bring to be manufactured into any substance for human food to any cheese or butter factory or creamery without all interested therein knowing or being informed of the fact milk adulterated with water or foreign substance, or any milk such as has been specified in this section, or shall with intent to defraud take from milk after it has been delivered to a cheese factory or butter factory or creamery to be manufactured into any substance for human food, for or on account of the person supplying the milk or cream, or shall with like intent knowingly add any foreign substance to milk or cream, whereby it or the products thereof shall become unwholesome for human

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food, shall be guilty of a misdemeanor, and for each offense shall be fined not less than \$25 nor more than \$100, or confined in the county jail not exceeding six months, or both.

Sec. 2. Provides a penalty for adulterating milk for the purpose of sale or exchange, or for keeping cows for the production of milk for market, sale or exchange in any unhealthy condition, or knowingly feeding them upon food that produces impure, diseased or unwholesome milk; declares a misdemeanor punishable by a fine of not less than \$50 nor more than \$200 for each offense.

Sec. 3. Retailers in the sale or exchange or traffic of milk shall have each and every can in which milk is carried or exposed for sale or exchange, and the carriages or vehicles from which the same is vended, conspicuously marked with his or their names, indicating by said mark the locality from which said milk is obtained or produced; for every neglect of such marking the person so neglecting shall be subjected to the penalties in section 2 of this act. For every violation of this act by so marking said cans, carriages or vehicles so as to convey the idea that said milk is produced or procured from a different locality than it really is, the person so offending shall be subject to a fine of \$100.

Sec. 4. Any person who shall sell in any of the cities in this state milk from which the cream or any part thereof shall have been taken shall offer the same as skimmed milk and not otherwise, and shall have each can or vessel in which such milk is carried or exposed for sale plainly and conspicuously marked with the words "Skimmed milk." Any person violating this section shall be fined not exceeding \$50 for each offense.

Sec. 5. Provides that in the rendition of a judgment imposing a fine as heretofore specified judgment for costs shall also be included, in default of payment of which a capias against the body of the defendant shall issue, committing him to the county jail, there to remain, as provided by section 308 of "An act to revise the law in relation to criminal jurisprudence," in force July 1, 1874.

Sec. 6. The addition of water or any foreign substance to milk or cream intended for sale or exchange is declared an adulteration. Milk that is obtained from cows fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is declared to be impure and unwholesome.

This act does not prohibit the addition of sugar in the manufacture of condensed or preserved milk.

An act to fix the standard of analysis for milk. Approved June 7, 1897.

Sec. 1. The standard of analysis for milk in this state as to ingredients and preparations shall be: Water 88 per cent, milk solids 12 per cent, such solids to contain not less than 3 per cent of butter fat. Contracts made for milk purchased within this state for delivery within or without this state shall contain no other standard, except by special contract in writing.

Session laws of 1897, page 268.

BUTTER AND CHEESE.

Sec. 1. Whoever manufactures out of any oleaginous substance or compound thereof other than that produced from unadulterated milk or cream from the same any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream of the same, and shall sell or offer for sale the same as butter or cheese, or give to any person the same as an article of food, as butter or cheese, shall be fined not less than \$25 nor more than \$200.

Approved June 1st, 1881.

VINEGAR.

Sec. 1. Whoever shall manufacture or sell as cider vinegar any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively of said cider, shall for each offense be punished by a fine of not less than \$25 nor more than \$50.

Sec. 2. Every person who shall manufacture or offer for sale any vinegar found upon test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health shall for each offense be punished by a fine of not less than \$100.

Approved June 14, 1883.

VEAL.

Sec. 1. If any person kills or causes to be killed for the purpose of sale any immature calf, or any calf less than four weeks old, or knowingly sells or has in possession with intent to sell for food the meat of any such calf, he shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$50, or by imprisonment in the county jail not exceeding 30 days, or both; and all such meat exposed for sale or kept with intent to sell may be seized and destroyed by any health officer, sheriff, deputy sheriff, constable or police officer.

Approved June 16, 1887. In force July 1st, 1887.

BUTTER.

Sec. 1. For the purposes of this act every article, substitute or compound other than that which is produced from pure milk or cream

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The Hon. Cyrus Edson, Commissioner of Health, New York City, in his report Oct. 12th, 1894, stated the following:
 “Glucose may be justly called pre-digested Starch, since it is Starch in the exact condition that we find prepared by the digestive organs for assimilation. Glucose is pre-eminently a fat-forming, heat-producing food. Under a diet of Glucose, a man can perform more muscular work than under any other single article of food. Glucose is not only not injurious, but it is an essential article of food without which, in some form, man cannot enjoy life.”

therefrom, made in semblance of butter and designed to be used as a substitute for butter made from pure milk or cream from the same, is hereby declared to be imitation butter; provided, the use of salt or harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Sec. 2. Prohibits any person from coating, powdering or coloring with annatto or any other coloring matter, any substance as a substitute for butter whereby such substitute so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combined therewith or with animal fat or vegetable oil or combination of the two, or with either one, any other substance or substances for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow, so that such substitute shall resemble yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or substance into any of the articles of which the same is composed; provided, this act shall not prohibit the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream from the same.

No person shall produce or manufacture any substance in imitation of natural butter, nor sell nor offer for sale any imitation butter made in violation of this section, whether such imitation butter be made or produced in this state or elsewhere. This section shall not be construed to prohibit the manufacture and sale as hereinafter provided, of substances to be used a substitute for butter, and not manufactured or produced as herein prohibited.

Sec. 3. Every person who lawfully manufactures any substance as a substitute for butter shall mark by brand, stamp, or stencil, upon the top or side of each box, tub, firkin or package in which such article shall be kept or in which it shall be removed from the place where produced in a clear and durable manner in the English language the word "Oleomargarine" or the word "Butterine" or the words "Substitute for butter," or the words "Imitation butter," in printed letters in plain, Roman type, each of which shall not be less than three-fourths of an inch in length.

Sec. 4. It is unlawful to sell imitation butter without informing the purchaser thereof, or the person to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter.

Sec. 5. No person shall ship, consign or forward by any common carrier, whether public

or private, any substance designed to be used as a substitute for butter unless it shall be marked as provided in this act, and unless consigned to the carrier and receipted for by its true name; provided, this act shall not apply to goods in transit across this state.

Sec. 6. No person shall have in his possession or control any substance as a substitute for butter unless the box, firkin, jar, tub or package containing same is clearly and durably marked as provided in this act; provided, this section shall not be deemed to apply to persons who have the same in their possession for actual consumption by themselves or families. Every person who shall have possession or control of any imitation butter for the purpose of sale which is not marked as required herein shall be presumed to have knowledge of the true character and name thereof.

Sec. 7. Whoever shall have possession or control of any imitation butter or substance as a substitute for butter contrary to the provisions of this act for the purpose of sale shall be held to have possession thereof with intent to violate this act.

Sec. 8. Declares contracts in violation of this act non-actionable.

Sec. 9. Whoever shall deface, erase or remove any mark provided for by this act, with intent to mislead, deceive or violate any of the provision hereof, shall be guilty of a misdemeanor.

Sec. 10. Whoever shall violate any of the provisions of this act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed 60 days for each offense, or both; a fine alone may be sued for and recover before any justice of the peace in the county where the offense was committed at the instance of any person in the name of the people of the State of Illinois as plaintiff.

Sec. 11. The State's Attorney of each county shall prosecute for violations of this act upon complaint of any person. Provides for his fees.

Approved June 14, 1897.

BRANDING AND SALE OF BUTTER.

Session Laws of 1901. Page 315-316.

Sec. 1. Provides, that no person, firm, corporation, agent or employe shall manufacture, sell, offer or expose for sale, in this state any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing said butter fat with skimmed milk, milk or cream, or other milk product, and reurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or

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renovated butter, unless the same is branded or marked as provided in section 2 of this act.

Sec. 2. Provides that no person, firm, corporation, agent or employe shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter, as defined in section 1 of this act, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold-faced letters at least three-fourths of an inch in length on the top and sides of each tub, box or pail, or other kind of a case or package, or on the wrapper of prints or rolls in which it is put up. And if such butter is exposed for sale uncovered or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

Sec. 3. Provides that the State Food Commissioner and his assistants, experts and chemists, by him appointed, shall be charged with enforcing the provisions of this act. When complaint is made by the State Food Commissioner or his assistants, experts, chemists or persons authorized by him, security for costs shall not be required.

Sec. 4. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction be subject to a fine of not less than \$25 nor more than \$50, or imprisoned in the county jail not exceeding six months.

Sec. 5. The said Commissioner, his assistants, experts, chemists or agents, shall have access and ingress to all places of business, factories, stores and buildings used for the manufacture or sale of butter. They shall also have power and authority to open any tub, box, pail or other kind of case or package containing any butter that may be manufactured, sold or exposed for sale.

Approved April 24, 1901.

COLORING GRAIN.

Sec. 1. No person shall subject or cause to be subjected any barley, wheat, or other grain to fumigation by sulphur or other material or to any chemical or coloring process, whereby the color, quality or germ of such grain is affected.

Sec. 2. No person shall offer for sale or procure to be sold any barley, wheat or other grain which shall have been subjected to such fumigation, or other process, as provided in section 1 of this act, knowing such barley, wheat or other grain to have been so subjected.

Sec. 3. Any person violating the provisions

of this act shall upon conviction be punished by a fine of not less than \$100 nor more than \$1,000, and imprisoned not exceeding three months in the county pail, and shall also be liable for all damages sustained by any such violation.

Sec. 4. Any court of record shall have jurisdiction over this act, and fines shall be collected as provided by statute in other criminal cases.

Approved May 25th, 1877. In force July 1st, 1877.

ADULTERATION OF FOOD, DRINK OR MEDICINE.

Sec. 1. No person shall mix, color, stain or powder, or order or permit any person in his employ so to do, any article of food with any ingredient or material so as to render the article injurious to health or depreciate its value, with intent that the same shall be sold, and no person shall sell or offer for sale such article so mixed, colored, stained or powdered.

Sec. 2. No person shall, except for the purpose of compounding into a necessary preparation or medicine, mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any drug or medicine with any ingredient or material so as to affect injuriously the quality or composition of such drug or medicine, with intent to sell the same, or sell any such drug or medicine so mixed, colored, stained or powdered.

Sec. 3. No person shall mix, color, stain or powder any article of food, drink or medicine with any other ingredient or material, whether injurious to health or not, for the purpose of gain or profit, or sell or order or permit any person for him to sell any article so mixed, colored, stained or powdered, unless the same be so manufactured, used or sold or offered for sale under its true and appropriate name, and notice that the same is mixed or impure is marked, printed or stamped upon each package, roll, parcel or vessel containing same, so as to be and remain at all times plainly visible, or unless the person purchasing the same is fully informed by the seller of the true name and ingredients (if other than such as are known by the common name thereof) of such article of food, drink or medicine at the time of making the sale thereof, or offering to sell the same.

Sec. 4. No person shall mix oleomargarine, suine, butterine, beef fat, lard or other foreign substance with any butter or cheese intended for human food, without distinctly marking, stamping or labeling said article or package containing same with the true and appropriate name of such article, and the percentage in which such oleomargarine or suine enters into its composi-

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tion; nor shall any person sell, order or permit to be sold any such article of food into the composition of which oleomargarine or suine has entered, without at the same time informing the buyer of the fact, and the proportions in which such oleomargarine, suine or butterine, beef fat, lard or other substance has entered into its composition; provided, that nothing in this act shall be construed to prevent the use of harmless coloring matter in butter and cheese or other articles of food.

Sec. 5. Any person convicted of violating any of the foregoing sections shall for the first offense be fined not less than \$25 nor more than \$200; for a second offense not less than \$100 nor more than \$200, or be confined in the county jail not less than one month nor more than six months, or both; and for a third or subsequent offense he shall be fined not less than \$500 nor more than \$2,000 and imprisoned in the penitentiary not less than one year nor more than five years.

Sec. 6. No person shall be convicted under any of the foregoing sections if he shall show to the satisfaction of the court or jury that he did not know that he was violating any of the provisions hereof, and that he could not with reasonable diligence have obtained the knowledge.

Sec. 7. The State's Attorneys are charged with the enforcement of this act, and it is made their duty to appear for the people and attend to prosecutions and complaints hereinunder.

Approved June 1, 1881.

CANNED OR PRESERVED FOOD.

Sec. 1. Hereafter it shall be unlawful in this state for any packer or dealer in preserved or canned fruits or vegetables or other articles of food to offer such canned articles for sale after January 1st, 1886, with the exception of goods brought from foreign countries or packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality, together with the name and address of such firm, person or corporation that packed the same, or dealer that sells same. Any person labeling such goods shall be considered a packer.

Sec. 2. All soaked goods put up from products dried before canning shall be plainly branded on the face of the label in letters not less than one-half inch high and three-eighths of an inch wide of solid and legible type with the word "soaked."

Sec. 3. Any person who shall falsely stamp, label or brand such cans or jars containing preserved fruit or food of any kind, or knowingly permit such false stamping or labeling,

and any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor and punished by a fine of not less than \$50, in the case of vendors, and in the case of manufacturers and all those falsely and fraudulently stamping or labeling such cans or jars, a fine of not less than \$500 nor more than \$1,000, and it shall be the duty of any Board of Health in this state cognizant of any violation of this act to prosecute any person therefor, and after deducting the costs of trial and conviction to retain for the use of such Board the balance of the fine recovered.

Approved June 27, 1885. In force July 1, 1885.

CANDIES, LIQUORS, MILK AND MEDICINE.

An act to revise the law of criminal jurisprudence. Approved March 27, 1874.

Sec. 7. Whoever fraudulently adulterates for the purpose of sale bread or any other substance intended for food, or any candy or confection, with any substance which is poisonous or injurious to health, and whoever sells or offers for sale any adulterated bread or substance intended for food, or candy or confection, knowing the same to be so adulterated, or shall sell or keep for sale the flesh of any diseased animal, or other corrupted or unwholesome provisions, shall be confined in the county jail not exceeding one year or be fined not exceeding \$1,000, or both.

Sec. 8. Whoever adulterates for the purpose of sale any liquor used or intended for sale with cocculus, indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazil wood, cochineal, sugar of lead, or other substance which is poisonous or injurious to health, or whoever sells or keeps for sale any liquor so adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

Sec. 9. Whoever adulterates for the purpose of sale any milk with water, chalk or other substance, or knowingly sells any such adulterated milk shall be confined in the county jail not exceeding one year, or fined not exceeding \$500.

Sec. 10. Whoever fraudulently adulterates for the purpose of sale any drug or medicine, or sells or offers or keeps for sale any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, and such adulterated drug or medicine shall be forfeited and destroyed.

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Ask your Grocer always to keep

FLESH OR DISEASED ANIMALS AND IMPURE LIQUORS.

CHAPTER 30.

Sec. 135. If any person shall knowingly sell the flesh of any diseased animal or other unwholesome provisions, or any pernicious or adulterated drink or liquor, every person so offending shall be fined not exceeding \$100, or imprisoned not exceeding three months.

Brayman's Revision of Statute, 1845.

LABELS—SUBSTANCES PURPORTING TO BE BUTTER OR CHEESE.

Sec. 1. Whoever manufactures, sells or causes the same to be done any substance purporting to be butter or cheese, or having the semblance thereof, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel thereof or vessel containing one or more packages of such substance, has distinctly and durably printed, stamped or marked thereon the true and appropriate name of such substance, in ordinary bold faced capital letters, not less than five-line pica, shall be punished as provided in section 3 of this act.

Sec. 2. Whoever shall sell any such substance as mentioned in section 1 of this act, to consumers, or cause the same to be done, without delivering with each package, roll or parcel so sold a label on which is plainly and legibly printed in Roman letters the true and appropriate name of such substance, shall be punished as provided in section 3 of this act.

Sec. 3. Whoever knowingly violates section 1 or section 2 hereof shall be fined in any sum not less than \$10 nor more than \$300, or imprisoned in the county jail not less than ten nor more than ninety days, or both; provided, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt, rennet and harmless coloring matter in the manufacture of butter or cheese.

Approved May 31, 1879.

RULES ADOPTED BY THE STATE FOOD COMMISSION.

Published in the Report of 1899-1900.

The work of the State Food Commission is in its incipient and experimental stage. Many of the questions presented for consideration are new to the Commissioner, and the duties of his office lie largely outside of his accustomed lines of thought and action. The law has wisely provided that one of his assistants shall be "a practical and analytical chemist," and the other "an expert in the matter of dairy products." He must necessarily rely on such assistants for

that technical knowledge which is required in the administration of the food laws of the state.

By their advice and assistance the following rules have been adopted and are published for general information. Some of these rules are original with the Commission, while many of them have been adopted in other states, and are adopted in this state until such time as experience may demonstrate the necessity of their change or abrogation:

All milk offered for sale must be from healthy cows of clean and wholesome character, unadulterated, free from preservative, and must contain not less than three per cent of butter fat.

So called "evaporated cream," containing less than 15 per cent of butter fat, must have the words "An unsweetened condensed milk" printed conspicuously on the front part of the label.

Condensed milk must contain not less than 8.5 per cent butter fat.

Condensed skim milk must be plainly labeled as such.

Process and imitation butter must not be marked and sold as "creamery" or "dairy," but each should be marked plainly with its own name.

Oleomargarine, butterine and imitation butter can be manufactured and sold under their appropriate names and color when appropriately labeled. Each tub, package or parcel shall have distinctly and durably painted, stamped or marked thereon the true and appropriate name of such substance in ordinary bold-faced capital letters not less than five lines pica.

"Whole milk" cheese, commonly miscalled "full cream" cheese, must contain at least forty-eight per cent of fat to total solids.

Butter shall contain at least 80 per cent of fat.

"Coffee cream" shall contain at least 15 per cent of fat, and "whipping cream" at least 22 per cent.

The term "vinegar" is limited to water solution of acetic acid derived from alcohol by fermentation, containing not less than 4 per cent of absolute acetic acid carrying in solution, if undistilled, extractives from the fruit, grain, vegetable or syrup used in their preparation.

All vinegar must be labeled and sold under its true name as determined by its derivation. Distilled or fermented vinegar may be reduced with water to legal requirements, but one variety of vinegar shall not be fortified or reduced with another.

Undistilled vinegar made from an infusion of mixed grains may be labeled grain or beer vinegar. Malt vinegar must be made entirely from an infusion of malted grains.

Artificial harmless coloring matter is allowed

in pure cider and pure malt vinegar. Colored distilled vinegar may be sold if every barrel is plainly marked "colored distilled vinegar," and if retailers paste a label with those words on every bottle, jug or jar sold.

Honey vinegar, if shown by analysis to be prepared exclusively from diluted honey, need not reach requirements in solids and ash demanded in other undistilled vinegars.

Coffee must be true in name. It must not be coated or polished to conceal inferiority. Imitations containing no coffee cannot be sold as coffee compounds, but may be sold under coin names. Compounds of coffee and chicory or of coffee or any other harmless substitute allied to it in either flavor or strength and not used simply as an adulterant, may be sold when labeled "Coffee compound."

Syrup is a product of either corn or sugar cane. When made from sugar cane it is called cane syrup, when made from corn it is glucose syrup. There is little difference in the food value of these syrups. It is questionable whether or not one could be considered an adulterant of the other, as each falls within the true definition of a syrup, as both the mild Rio and the strong Mocha are each true coffees. The sale of glucose as and for cane syrup is a fraud and a violation of law. The sale of a mixture of glucose and cane syrups without other label than that of the general term "syrup" is permitted. Molasses containing glucose must be labeled glucose mixture, as the value of molasses is dependent upon a pungent flavor peculiar to itself and not found in glucose syrups.

Maple sugar must be true to name. A compound of corn or beet sugar with maple sugar cannot be sold even when labeled compound, as the chief element of value in maple flavor, and any admixture of any other sugars is for the sole purpose of cheapening the article, and it is a clear case of adulteration which cannot be remedied by a label.

Wheat flour mixed with corn flour may be sold when labeled "Compound flour" or "Compound wheat flour."

Buckwheat flour may be mixed with other flour and sold as "Compound buckwheat flour." Self-rising buckwheat flour must be so labeled.

Rye flour, if not absolutely pure, must be marked "Compound rye flour."

Imitation jellies, fruit, butter and preserves may be colored with a harmless coloring, provided they are labeled "Imitation jelly, colored," and free from all ingredients deleterious to health.

Honey adulterated with glucose or any other substance not deleterious to health may be sold when labeled "Adulterated honey."

Dry mustard must be pure.

Prepared mustard must be free from starch or adulterant of any kind, and, if consisting of mustard, vinegar and spices, may be sold when labeled "Prepared mustard."

A preparation of mustard, vinegar, spices and enough filling of starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold when labeled "Prepared mustard compound." Harmless coloring matter may be used in preparations of mustard only to secure uniformity of appearance.

All spices must be pure. Any mixture of any foreign article with any spice is an adulteration. An adulteration of spices cannot be remedied by the label "Compound."

Catsup must not contain preservatives deleterious to health.

Cream of tartar must be pure. All compounds are unlawful.

Chocolate and cocoa, when made only from the cocoa mass, sugar and glycerine, may be sold under the name "Prepared cocoa" or "Sweet Chocolate."

Candy must be free from inert mineral matters, and not made colored with substances deleterious to health.

Canned goods must be labeled with grade or quality of the goods and the name and address of the seller or manufacturer.

Artificial extracts can be manufactured and sold only in cases where it is not possible to produce an extract from the fruit itself. Extracts of this class must be labeled "Artificial extracts."

Lemon extract shall contain at least five per cent of the pure oil of lemon dissolved in alcohol. Harmless coloring matter will be permitted. The sale of compound lemon extracts is prohibited.

Vanilla extract shall be made wholly from Vanilla beans, and shall contain no artificial coloring. The color of a Vanilla extract is an indication of its strength, and coloring in such case would be used for the purpose of concealing inferiority, and of making the article appear better than it really is.

When other flavoring substances are used, such as Vanillin, Coumarin or Tonka, the extract should be labeled so as to show the purchaser its true character, as "Compound extract of Tonka and Vanillin." The label, "Compound extract of vanilla," will not be deemed sufficient notice of the composition of the article.

All baking powders sold in the state must be labeled in a conspicuous way and place with a name signifying the class or variety to which it belongs, based on the name of the acid ingredi-

ent; thus, for example, "This is an alum baking powder; an alum phosphate baking powder; a phosphate baking powder; a cream of tartar baking powder." Potassium acid sulphite is regarded as unwholesome if not injurious and its use in any article of food is prohibited.

Wherever the words "Artificial," "Imita-

tion," "Compound," etc., are required, these words must be printed immediately preceding or following the word which they modify, in the same size type and equally prominent. Thus: "Imitation currant jelly," or (colored) "Coffee compound."

ALFRED H. JONES,
Illinois State Food Commissioner.

DECISIONS OF THE SUPREME COURT OF ILLINOIS ON PURE FOOD LAWS.

UNWHOLESOME FOODS. When diseased animals are known to be such, it is forbidden by the statute as well as by good morals to sell the same for food. *Voorhees Reed*, 17 Ill. App. 21.

UNWHOLESOME FOOD. RESTAURANT KEEPER'S LIABILITY. A keeper of a restaurant is not an insurer of the wholesomeness of the food furnished by him to his patrons, and therefore is not liable to those who have eaten of it unless he is guilty of negligence. If he fails to exercise ordinary care in furnishing the food and damage results, he is liable for the want of such care, but not otherwise, and the person made ill by the eating of such food has the burden of proving that the restaurant keeper was negligent and careless in the furnishing of the same. *Sheffer vs. Willoughby*, 163 Ill. 518.

DISEASED MEAT. An offense is properly charged under the statute even though the affidavit stating the same states that the plaintiff sold, or kept for sale, or offered to sell, diseased meat, but fails to add the words "for food," provided the affidavit alleges an unlawful selling, etc., and that it was done contrary to the form of the statutes. *Schattgen vs. Holmbach*, 149 Ill. 654.

The refraining from shipping diseased flesh is not a valid consideration to support a promise to pay for such refraining. *Voorhees vs. Reed*, 17 Ill. App. 21.

INSPECTION OF FOOD. The act of 1872, which authorizes cities organized under it "to provide for and regulate the inspection of meats, poultry," etc., and "to do all acts, and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease," confers power on them to establish a public slaughter house for the purpose of securing the proper inspection of meats. *City of Rock Island vs. Huesing*, 25 Ill. App. 600.

ADULTERATED MILK. Under an indictment for adulterating milk, it is not sufficient to show that the defendant sold a quantity of milk which when delivered to the purchaser was adulterated, but it must be shown that the defendant did the adulteration, or had knowledge of it. *Dilley vs. People*, 4 Ill. App. 52.

SKIMMED MILK. An Act to prevent the sale of skimmed milk to butter and cheese manufacturers is not intended to apply to a person making butter or cheese on his own account, but to such factories as are conducted on a joint or co-operative plan. *Phillips vs. Meade*, 75 Ill. 334.

BUTTERINE. COLORING. A law prohibiting manufacturers of butterine from using harmless coloring matter for making butterine resemble butter, and allowing the use of the same kind of coloring in white butter, is unconstitutional for unjust discrimination. *People, Moxley vs. Pease*, (Ill.) 30 C. L. N. 277.

ESTABLISHED 1871.

WM. HENNING.

Manufacturer of Pure Grain,
Distilled Vinegar made from the
best grades of Corn, Rye and Malt.

VINEGAR WORKS:
113-117 East North Avenue
Chicago, Ill.

Vinegar
—and—
Pickles.

Packer of Sweet, Sour and Dill
Pickles, also Chow Chow, Mixed,
Piccalilly etc. in Glass and bulk.

PICKLE WORKS:
Morton Grove, Ill.

OFFICE: 117 East North Avenue, Chicago, Illinois.



Prepared with Tomato Sauce.

**Fine flavored, nourishing food, that does not
pall on the appetite from frequent serving.**

Sold at the grocers. Sample can and booklet
sent prepaid for six cents in stamps.

VAN CAMP PACKING CO., 308 Kentucky Avenue,
INDIANAPOLIS, INDIANA

DAIRY AND PURE FOOD LAWS OF THE STATE OF INDIANA.

The State of Indiana has no Food or Dairy Commission. By the Act of the General Assembly approved February 28, 1899, it has become the duty of the State Board of Health to enforce the laws of the state governing food and drug adulteration and to take cognizance of the interests of the public health relating to the sale of drugs and foods. The state, county, city and town health officers are made food and drug inspectors and the State Health Officer shall be inspector of food and drugs. The State Board of Health shall adopt such measures as may be necessary to enforce the provisions of this act and the laws on the subject of pure food. The State Board of Health consists of the following members:

J. H. Forest, M. D., President.....Marion
W. N. Wishard, M. D., Vice-President....

.....Indianapolis
T. Henry Davis, M. D.....Richmond
Clark Cook, M. D.....Fowler
J. N. Hurty, M. D., Phar. D., Secretary..

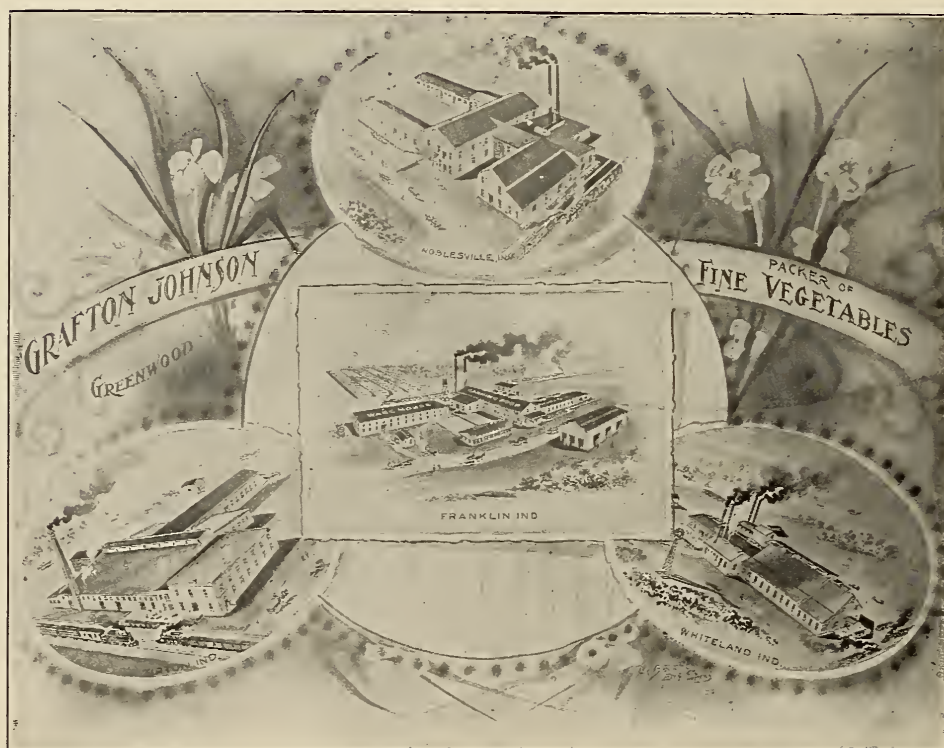
.....Indianapolis

A digest of the law is as follows:

Sec. 2157a. Provides that no person shall, within this state, manufacture for sale or offer for sale, or sell any drug or article of food which is adulterated within the meaning of this act. The term "drug" as used in this act, shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" as used herein, shall include confectionery, condiments and all articles used for food or drink by man. An article shall be deemed to be adulterated within the meaning of this act: (a) In case of drugs, (1) if when sold under or by a name recognized by the United States Pharmacopœia, it differs materially from the standard of strength, quality or purity laid down therein, unless the order calls for an article inferior to such standard, or unless such difference is made known or so appears to the purchaser at the time of such sale; (2) if when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength or purity falls below the professed standard under which it is sold. (b) In the case of food, (1) if any substance or substances have been mixed with it, so as to reduce or lower or injuriously affect its quality or

strength; (2) if any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) if any valuable constituent has been wholly or in part abstracted from it; (4) if it is an imitation of or sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered whereby damage is concealed or if it is made to appear better or of greater value than it really is; (7) if it contains any added poisonous ingredient, or any ingredient which may render it injurious to the health of the person consuming it. The provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food or drink; Provided, That the same are not injurious to health, and are distinctly labeled as mixtures or compounds; and no prosecutions shall at any time be maintained under said act concerning any drug, the standard of strength or purity whereof has been raised since the issue of the last edition of the United States Pharmacopœia, unless and until such change of standard has been published throughout the State.

Sec. 2157b. Provides that it is the duty of the State Board of Health to enforce the laws of the State governing food and drug adulterations; and the State Health Officer shall be the State inspector of foods and drugs. The State Board of Health shall take cognizance of the public health relating to the sale of drugs and foods, and adulterations of the same, and make investigations in reference thereto, and for said purpose the state, county, city and town health officers shall be food and drug inspectors, subordinate to the State Board of Health. The State Board of Health shall adopt such measures as may be necessary to enforce the provisions of this act, and regulate minimum standards for foods and drugs and other necessary rules. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions hereof shall furnish to any analyst, or other person appointed hereunder, when value thereof is tendered him, a sample sufficient for analysis of such drug or article of food in his possession. Whoever hinders, obstructs or interferes with any inspector, or other officer appointed here-



under in the performance of his duty, or violates any of the provisions hereof, shall, upon conviction, be fined in any sum not exceeding \$100. Whoever fraudulently adulterates, for the purpose of sale, bread or any other substance intended for food with any substance injurious to health shall be fined not exceeding \$100, and the article so adulterated shall be forfeited and destroyed under direction of the court. Whoever adulterates, for the purpose of sale, liquor used or intended for drink, or knowingly sells any such liquor so adulterated, shall be fined not less than \$100 nor more than \$500 and the article so adulterated shall be forfeited and destroyed under direction of the court.

UNWHOLESOME FOOD.

Sec. 2157 (2069). Provides that whoever sells or possesses with intent to sell or expose for sale any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, or whoever knowingly sells or exposes for sale any article intended to be eaten or drunk, and shall be labeled or in any way represented to be other than what it is, or kills for the purpose of sale any calf less than four weeks old, or sells or possesses with intent to sell, the meat of any calf killed when less than four weeks old, shall be fined not more than \$500 nor less than \$10, or imprisoned in the county jail not exceeding six months nor less than ten days.

CANDY.

Sec. 2157c. No person shall by himself or agent or otherwise sell or offer for sale any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, or by poisonous colors or flavors, or other ingredients injurious to health.

Sec. 2157d. A violation of this act is punishable by a fine of not exceeding \$100 nor less than \$50, and the candy so adulterated shall be forfeited and destroyed under direction of court before the vendor or manufacturer is tried.

OLEOMARGARINE.

Sec. 2158. Whoever sells or possesses with intent to sell or exposes or keeps on any table at any hotel or public or private boarding house, any butter other than that made from pure milk, without labeling the same in large letters "Oleomargarine" shall be guilty of a misdemeanor and fined not exceeding \$50 nor less than \$10.

VINEGAR.

Sec. 2159. Every person who manufactures for sale or offers or exposes for sale as cider vinegar any vinegar not the legitimate product of pure apple cider, or vinegar not made exclu-

sively of said apple cider, or vinegar into which any foreign ingredients, drugs or acids have been introduced, shall be punished by a fine not less than \$25 nor more than \$100.

Sec. 2160. Every person who manufactures for sale, sells, offers or exposes for sale any vinegar found to contain any preparation of lead, copper, sulphuric acid, or other ingredient injurious to health, shall be guilty of a misdemeanor and punished for each offense by a fine of not less than \$10 nor more than \$100.

Sec. 2161. No person shall by himself, agent or otherwise, sell or have in his custody with intent to sell or offer for sale any adulterated vinegar, or vinegar not the legitimate product of pure apple juice, or not made exclusively from pure apple cider. A violation hereof is punishable by a fine of not less than \$10 nor more than \$100.

Sec. 2162. All vinegar shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than 4 per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain in addition not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water. And if any vinegar contains any artificial coloring matter or less than the above amount of acidity, and in the case of cider vinegar if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be adulterated within the meaning of this act. All vinegars not cider or fruit vinegars shall be without artificial coloring, nor shall they be mixed with cider or fruit vinegars, or in any manner changed to imitate a cider or fruit vinegar.

Sec. 2163. Every person making or manufacturing cider vinegar who is not a domestic manufacturer of cider vinegar shall brand on each head of the cask, barrel or keg containing such vinegar the name and residence of the manufacturer, the date when the same was manufactured, and the words "Cider Vinegar," and no vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruit. Whoever violates any of the provisions of this section shall be fined for each offense not less than \$10.

Sec. 2164. (2070). Whoever kills for the purpose of sale any diseased or injured animal, or sells or has in possession with intent to sell the meat of any such diseased or injured animal, shall be fined not more than \$500 nor less than \$50, to which may be added imprisonment in the county jail not more than six months.

Sec. 2165. Whoever knowingly sells to any person, or sells or brings to any cheese or butter

“POLKS BEST”

STANDARD TOMATOES.
BAKED BEANS with Tomato Dressing.
FANCY TOMATOES.
PEAS (all sizes).
CORN.
CONDENSED SOUP.
PRESERVES.
CATSUP.

The “POLKS BEST” Brand

has been the standard for quality and value for almost thirty years. Grocers who make a point of handling only the best the market affords will do well to write us, as we are prepared to make a special offer to those mentioning this advertisement.

J. T. POLK COMPANY

Greenwood, Ind.

factory to be manufactured any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strip-pings," with intent to defraud, or knowingly sells any milk the product of a diseased or injured animal, or milk produced from any cow fed upon the refuse of any distillery or brewery, or upon any substance deleterious to the quality of the milk, or knowingly uses any poisonous or deleterious matter in the manufacture of any cheese or butter, or knowingly sell or offers to sell milk or butter in the manufacture of which any poisonous or deleterious substance has been used, shall be fined not more than \$500 nor less than \$50.

Sec. 2165a. It is unlawful for any person to sell or have in possession for sale any article of food or any compound, substance or preparation used as a food, or intended to be used as a food, or used or intended to be used as any ingredient of any food, or intended to be used in the preparation of any food or food product, containing any formaldehyde or antiseptic injurious to health, or arsenic.

Sec. 2165b. Any person violating the provisions of this act shall be fined \$100, to be recovered in a civil action upon the prosecution of any citizen of the State of Indiana in the name of the State of Indiana on the relation of such citizen, one-half of which \$100 shall go to the citizen prosecuting such action and the remainder to the county in which such proceedings are had for the benefit of the common schools.

Sec. 2166. (2072.) Whoever adulterates any wine made or juice expressed from grapes by mixing therewith any drugs, chemicals, cider, whiskey or other liquor, and whoever sells any such adulterated wine or grape juice knowing the same to be adulterated shall be fined not more than \$100 nor less than \$10.

Sec. 2167. (2073.) Whoever adulterates any spirituous, malt or other intoxicating liquor by the admixture of any deleterious substance therewith, or knowingly sells or offers for sale any such liquors which have been so adulterated, shall be fined not more than \$100 nor less than \$10.

Sec. 2168. (2074.) Whoever uses any active poison in the manufacture or preparation of any intoxicating liquors, or knowingly sells or offers for sale in any quantity any intoxicating liquor so adulterated, manufactured or prepared, shall be imprisoned in the state prison not more than seven years nor less than one year and fined not exceeding \$500.

Sec. 7015. The Board of County Commissioners in any county may appoint inspectors to serve during four years unless sooner removed by said Board, to inspect within said

county when required the following articles: Salt, pork, flour and hay.

Sec. 7016. All barrels, hogsheads, and bales inspected shall be branded with the name of the inspector and his residence.

Sec. 7017. An inspector of salt shall brand on one end of the barrel the quality, whether first, second, or third rate; also the weight, specifying gross, tare and net.

Sec. 7018. The weight of flour in any barrel shall be 196 pounds. It shall be examined with a three-fourth inch barrel auger, and shall be marked of three qualities, the first to be branded superfine, the second fine, and the third coarse.

Sec. 7019. The weight of beef or pork in any barrel shall be 200 pounds. According to the quality and usages of the trade beef shall be branded "Mess Beef" and "Prime Beef" and pork shall be branded "Mess Pork," "Prime Pork" and "Cargo Pork."

Sec. 7020. All flour, beef or pork found musty, sour, tainted or otherwise unfit for market shall be branded with the word "Condemned."

Sec. 7025. The inspector shall receive whether the article inspected be passed or not the following fees: For each barrel of salt two cents, for each barrel of beef or pork 35 cents, for each barrel of flour 3 cents.

RULES AND STANDARDS ESTABLISHED BY THE STATE BOARD OF HEALTH.

The Supreme Court has decided these rules "have the full force of law":

MILK.

Rule 1. Pure cows' milk shall have the following minimum composition: Fat, three per cent; solids, not fat, nine per cent.

Rule 2. Water existing in cows' milk in excess of 88 per cent shall be an adulteration. Any coloring matter added for any purpose whatsoever shall be an adulteration. Any chemical antiseptic whatever, added for any purpose whatsoever, shall be an adulteration.

Rule 3. Milk sold or offered for human consumption that is taken from a cow that has calved within four days, or from a cow that will come in or calf inside of twenty-one days, is polluted, and shall be considered as adulterated.

Rule 4. Milk sold or offered for human consumption that is taken from a cow fed with damaged food or any food which will impart a disagreeable flavor, is impure, and shall be considered as adulterated.

Rule 5. Milk sold or offered for human consumption that is taken from any sick or diseased cow, or any cow that is given polluted water to drink, or which is kept under condi-

TO SECURE THE FINEST CURED MEATS

Ask for **“Kingan’s Reliable”** Brands

OF

Hams, Breakfast Bacon, Shoulders,
California Hams, Dried Beef,
Bacon Sides, Backs and
Bellies, and Pure Lard.

SEE THAT THEY ARE BRANDED

“KINGAN’S RELIABLE”

(IF PLAIN)

AND LABELED

“KINGAN’S RELIABLE”

(IF CANVASED)

KINGAN & Co. (LD.)

Pork and Beef Packers.

INDIANAPOLIS,

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INDIANA.

tions contrary to the rules of the State Board of Health governing dairies, is impure, and shall be considered as adulterated.

BUTTER.

Rule 6. The word "butter" shall mean the substance usually known as butter, made exclusively from milk or cream, with or without salt or coloring matter, and shall contain not less than 80 per cent of pure milk fats.

Rule 7. If any of the following named substances are found in butter, they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; salicylic acid, borax, boric acid, saltpeter, formaldehyde, glucose, sodium carbonate or bicarbonate, or any other added chemical, or any other fat than butter fat, any other coloring matter than is natural to butter, except annatto, saffron, safflower, turmeric and harmless coal tar colors.

MARGARINE.

Rule 8. The word "margarine" shall mean all substances, whether compounds or otherwise, prepared in imitation of butter, and whether mixed with butter or not.

Rule 9. If any of the following named substances are found in "margarine" they shall be considered adulterants: Water in excess of 15 per cent; salt in excess of 6 per cent; glucose, paraffine, salicylic acid, borax, boric acid, saltpeter, formaldehyde, sodium carbonate or bicarbonate, or any chemical preservative. Any coloring matter or mixture of coloring matters other than annatto, saffron, safflower and turmeric and other harmless vegetable colors, and the harmless coal tar colors, shall be considered adulterants.

CHEESE.

Rule 10. Cheese not made wholly from milk or cream, salt and harmless coloring matter shall be considered adulterated.

Rule 11. Cheese containing less than 10 per cent of milk fats shall be considered adulterated unless plainly labeled "skim milk cheese" in letters not less than one inch long, the label to be plainly exposed.

Rule 12. Cheese containing any other fats than milk fats shall be considered adulterated unless plainly labeled "Filled cheese."

Rule 13. Cheese containing any coloring matter other than annatto, safflower, saffron, turmeric or harmless coal tar colors, shall be considered as adulterated.

Rule 14. Cheese containing any chemical antiseptic other than common salt shall be considered as adulterated, unless plainly labeled with the name of the antiseptic it contains.

Rule 15. Any article of food, as catsup, mine meat, canned meats or fish, canned soups, canned fruits, molasses or syrups, which are

found to be preserved by or to contain salicylic acid, benzoic acid, boracic acid, formaldehyde, or any of their compounds or any other antiseptic, shall be considered as adulterated unless the article of food so preserved is plainly labeled with the name of the preservative or antiseptic added. The label announcing any article of food, of the class in this rule named, as preserved with any antiseptic shall be printed in plain type, either upon the original or a separate label, and it shall be firmly and securely attached on the exterior of the package, and in plain sight. This rule shall be in force and take effect October 1, 1900.

Rule 16. Coffee—Any article offered for sale as coffee, which contains any substitute for the coffee bean in any proportion, shall be considered as adulterated unless the quantity and kind of such substitute is given as part of the label.

Rule 17. Candy—Any candy containing terra alba, barytes, talc or other mineral substance or poisonous colors or flavors, or any ingredient deleterious to health, shall be considered as adulterated.

Rule 18. Cider—Cider is the unfermented juice of the apple. Any substitute for apple juice or any antiseptic added constitutes an adulteration, and such adulterated cider shall not be offered for sale unless each package is labeled and the name of the adulterant is made a part of the label.

Rule 19. Flour—Flour is defined as the **fine** and bolted meal of the wheat grain. Any flour that is mixed with the product of any grain except wheat, or is mixed with any mineral substance, shall be considered as adulterated, unless each package is labeled and the kind and the amount of the admixture is made part of the label.

Rule 20. Buckwheat and Rye Flour—Buckwheat and rye flour must be derived wholly from grains designated in the name, and any admixture of other flours or materials constitutes an adulteration, unless each package is labeled and the kind and amount of such admixture is made part of the label.

Rule 21. Fruit jellies, fruit butters, preserves, canned fruits, fruit conserves, confections, fruit juices and syrups, etc., must consist of the fruit specified in the label, preserved only with cane sugar (sucrose), and must not contain artificial flavors, coloring matters or antiseptics. If such articles contain any substitute for the fruit, or any inferior material to make up bulk or weight, any glucose or other substitute for sugar, any artificial flavor, color or antiseptic, or any substance not naturally occurring in such fruits, except spices or other wholesome natural flavoring materials, they shall be con-

OXFORD COUNTY MAPLE SYRUP

ALWAYS GIVES SATISFACTION

SCHNULL & CO.
INDIANAPOLIS, - - - - IND.

sidered adulterated and shall not be offered for sale unless the presence of all such substances is clearly indicated by the label. This rule shall be in force and take effect October 1, 1900.

Rule 22. Honey—Honey is the nectar of flowers and other saccharine exudations of flowers and plants gathered by bees. Honey made by feeding bees glucose, sugar, invert sugar or other saccharine substance, is declared not to be pure honey, and, therefore, is adulterated. Adding sugar, invert sugar or glucose to honey constitutes an adulteration, and such adulterated honey shall not be sold unless the quantity and name of the adulterant is made part of the label.

Rule 23. Lard—Lard is the fat of swine, the fat being melted and separated from the fish. Adding beef fat or stearine cotton seed oil, paraffine or other substitute for swine fat constitutes an adulteration, and such adulterated lard shall not be sold unless labeled and the quantity and name of the adulterant is made part of the label.

Rule 24. Molasses and Syrups—All molasses and syrups are assumed to be made from the juice of cane or other sugar-producing plant, or the sap of the maple tree, and any syrup or molasses containing starch sugar, glucose or corn syrup shall be considered adulterated, and any substance sold or offered for sale as "maple sugar or syrup" that shall contain any brown sugar, granulated sugar or loaf sugar or colored or flavored with decoction of hickory bark, corncobs or any other similar substances, shall be considered adulterated, unless the label plainly indicates the substances used.

Rule 25. Olive oil is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or whole, constitutes an adulteration, and such adulterated oil shall not be offered for sale unless labeled with the amount and kind of adulterant.

Rule 26. Spices, mustard, pepper, etc., must not contain any foreign substances or coloring matter, introduced to dilute or cheapen the article, and any such admixture constitutes an adulteration, and shall not be sold unless its kind and amount are indicated on the label.

Rule 28. Vinegar—Standard vinegar is a vinegar made from the juice of the apple, containing not less than 2 per cent of apple solids and 4 per cent acetic acid. All vinegars labeled "apple," "cider," "fruit" or "orchard" vinegars are assumed under the law to be standard vinegars. Vinegars not made of the juice of the apple must be labeled truly of what they are made, as "malt vinegar," "distilled vinegar" or "wine vinegar." Otherwise they are to be considered adulterated. Vinegars containing less than 4 per cent absolute acetic acid may be sold, provided the percentage of acetic acid is made part of the label.

Rule 29. Baking Powder—It shall be unlawful for any unwholesome or deleterious baking powder to be sold or offered for sale within the State of Indiana.

Rule 31. Food inspectors, when securing samples of food or drugs for analysis, shall, if the quantity procured be sufficient in amount, divide said sample into three equal parts, marking each one with date of collection, name and residence of vendor, name and residence of inspector, and shall number the several portions, one, two, three. No. 1 shall be left with the vendor, No. 2 retained by the inspector and No. 3 reserved for or sent to the chemist selected to make the analysis. All these samples or portions shall be so sealed as to show upon sight any breaking said seal.

Rule 32. Whoever violates any of the provisions of these rules shall, upon conviction, be fined in any sum not exceeding one hundred dollars, as provided in section 2, chapter 121, of an act approved February 28, 1899.

DECISIONS OF THE SUPREME COURT OF INDIANA ON FOOD LAWS.

FOOD LAWS. CONSTITUTIONALITY. The law that provides that the board of health shall, within ninety days after its passage, prepare and publish minimum standards of food and drugs, and defining adulterations, is held not to be in contravention of that part of the constitution which declares that no laws shall be passed the taking effect of which shall be made to depend on any authority other than that provided by the constitution; but that the taking effect of the act was only postponed until the board met ninety days afterwards and made rules, etc., and that it took effect directly from the power which created it and not from the fact that the board of health

made rules, etc. *Isenhour vs. State*, 157 Ind. 517.

INTENT TO SELL. Under the law which prohibits the manufacture of any article of food or drink which is adulterated within the meaning of the act, and that any one having in his possession with intent to sell any food or drink injurious to the health shall be liable to a penalty, it is held that an argument to the effect that the possession of adulterated food with an intent to sell, not being named in the prohibitory part of the act, a penalty could not lawfully be affixed, was not good. *Id.*

COMPLAINTS WHO CAN MAKE. Under the Food Laws of 1899, which make it the duty of the



The Most Delicious and the Purest !

LOWNEY'S COCOA is not like other Cocos; it is better. The flavor is better,—full and delicious. It is absolutely a natural product; no "treatment" with alkalies or other chemicals in order to cheapen the process of making. No flour, starch, ground cocoa shells, or coloring matter; nothing but the nutritive and digestible product of the choicest Cocoa beans. A trial will show what it is.

Sample Can ($\frac{1}{4}$ lb.) for 15 cents in stamps.

THE WALTER M. LOWNEY COMPANY

BOSTON, MASS.

Board of Health to enforce the provisions thereof, an individual is not excluded from making a complaint for a violation of the same. *Isenhour vs. State*, 157 Ind. 517.

DISEASED MEATS. PROSECUTION. An information under a statute which makes it a penal offense for any one to have in his possession with intent to sell the diseased meat of any animal, which alleges that the defendant unlawfully and with intent to sell the same had diseased meat in his possession, sufficiently charges the knowledge that the meat was diseased. *Brown vs. State*, 14 Ind. App. 24.

DISEASED MEAT. INTENT. Held that an indictment charging the defendant with knowingly killing diseased animals for the purpose of selling them as food is sustained if it is shown that the defendant knew them to be diseased and that he knew of the purpose to sell them for food. 14 Ind. App. 393. *Moeschke vs. State*.

An affidavit that a person had diseased meat for the purpose of sale need not allege that it was to be sold within the state. *Moeschke vs. State*, 14 Ind. App. 393.

MEAT. To constitute an offense under the laws of 1881 the diseased meat must have been sold for food. *Schmidt vs. State*, 78 Ind. 41.

INDICTMENT. An indictment which sets forth that the defendant knowingly had in his possession diseased and injured animals with unlawful intent to sell the same for human food sufficiently charges guilty intent. *Brown vs. State*, 14 Ind. App. 24.

MILK. INSPECTOR. The milk inspector found defendant on the street about ten o'clock in the morning and asked him for a sample of his milk. He refused to give the sample on the ground that it was the last milk he had and that he had a customer to serve with it. The inspector took the milk and found that it contained formaldehyde. The court held that it was proper to refuse an instruction that the defendant should not be found guilty on the ground that he had no knowledge of the presence of formaldehyde in the milk. *Isenhour vs. State*, 157 Ind. 517.

PRESERVATIVES. MILK. In a case where

the defendant testified that the milk contained no formaldehyde to his knowledge, and that he had never used formaldehyde, but that he had put into that particular milk a substance known as "Palmer's Preserver," which had been represented to him as containing no formaldehyde, and was asked to state what representations were made to him about said preservative, which he was not allowed to answer; and was not allowed to offer in evidence a circular regarding the preservative which was sent out with the same guaranteeing it and stating that it was harmless and contained nothing injurious, the court held that the case should be reversed on account of the exclusion of the circular and his answer as to the representations made to him about the preservative. *Isenhour vs. State*, 157 Ind. 517.

MILK. An affidavit need not set out the provisions of the section excluding mixtures or compounds recognized as ordinary articles of food. *Isenhour vs. State*, 157 Ind. 517.

MILK. AFFIDAVIT. An affidavit which charges the defendant with possession of adulterated milk with intent to sell the same, although it does not allege that the defendant adulterated the milk, is good. Where an affidavit charges that the defendant had in possession with intent to sell milk adulterated with a substance injurious to health, formaldehyde, the affidavit was good, although it did not say that the formaldehyde was injurious or poisonous to health.

An affidavit which charges defendant with possessing for sale adulterated milk is good, although it does not charge that said milk was below the standard established by the State Board of Health. *Isenhour vs. State*, 157 Ind. 517.

OLEOMARGARINE INDICTMENT. Under an indictment charging that the defendant had in his possession with intent to sell within the state oleomargarine made to resemble yellow butter, it was held that a special plea which admitted the possession but alleged that the oleomargarine was an article of commerce under the constitution was not objectionable on the ground that it amounted to the general issue. *McAllister vs. State*, 94 Ind. 290.

ESTABLISHED A. D. 1552.

J. F. BRUNING & SON

EVANSVILLE, IND.

BRUNING'S PATENT ROASTED COFFEES, PURE FOOD LAW SPICES

AND

Bruning's Strictly Pure Cream Tartar Baking Powder

\$1,000.00 guarantee upon every can of this Baking Powder for finding therein any admixture of alum, phosphate of lime or ammonia. Not only "Absolutely Pure," but warranted superior to all others, and sold at about half the price charged for other Cream Tartar Baking Powders. One pound cans, \$2.50 per dozen less 40 per cent. discount; other sizes in proportion.

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WHEREVER EXHIBITED



HAS NO EQUAL

Philadelphia Centennial,
1876.

The World's Columbian
Exposition,
Chicago, Ill., 1893.

California Mid-Winter
International Exposition,
San Francisco,
1894.

Cotton States and
International Exposition,
Atlanta, Ga., 1895.

Franklin Institute Medal,
National
Export Exposition,
Philadelphia, Pa., 1899.

Paris Exposition,
1900.

Pan-American Exposition,
Buffalo, N. Y.
1901.

South Carolina Interstate
and West Indian
Exposition,
Charleston, S. C., 1902.

RICHEST



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**Borden's
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NEW YORK, U. S. A.**

Originators of Condensed Milk.



H. R. WRIGHT,
Dairy Commissioner, Iowa.



W. E. SMITH,
Deputy Dairy Commissioner, Iowa.



P. H. KIEFFER,
Assistant Dairy Commissioner, Iowa.

THE IOWA DAIRY COMMISSION.

THE DAIRY AND FOOD LAWS OF IOWA.

The Dairy Laws of this State are enforced by a Dairy Commissioner and his assistants. The Laws against the adulteration of other articles of food are enforced in like manner as the laws against other misdemeanors. The law makes it the duty of the State Board of Health to make complaint to the State's Attorney for a violation of the same, who shall thereupon prosecute the offender.

H. R. Wright, Dairy Commissioner.

W. S. Smith, Deputy Dairy Commissioner.

P. H. Kieffer, Assistant Dairy Commissioner.

A DIGEST OF THE DAIRY LAWS WHICH IT IS THEIR DUTY TO ENFORCE IS AS FOLLOWS:

Sec. 2515. The governor shall appoint a Dairy Commissioner on or before the first day of April of each even numbered year. He shall have practical knowledge of the manufacture of dairy products, and hold his office subject to removal by the governor. He shall give bond in the sum of \$10,000. He shall keep on hand a supply of standard test tubes and bottles and milk measures, or pipettes, adapted for use by each milk testing machine, the manufacturer or seller of which shall file with the commissioner a certificate from the director of the Iowa Agricultural Experiment Station, which shall certify that said milk testing machine when properly and correctly operated will produce accurate measures of butter fat, and he shall furnish to any person desiring the same for testing milk one such tube or bottle, such milk measure or pipette for each factory to be of the kind adapted for the machine operated therein, to be furnished by the commissioner upon request, certifying it to be accurate, reliable and standard, and placing therein the letters "D. C." as a permanent mark; the tubes and bottles and pipettes to be furnished at the actual cost thereof. He shall preserve the correspondence, records and property of the state pertaining to his office. The commissioner and his deputy shall be entitled to necessary traveling expenses. During his term of office he shall hold no other official position. He shall make annual reports to the governor. He shall have power to subpoena witnesses and examine them under oath by him to be administered, such witnesses to be allowed fees as in justices' courts, to be paid by the commissioner as part of the expenses of his office.

Sec. 2516. Every article, substitute or compound except that produced from pure milk or cream from milk of cows, made in semblance of butter, is imitation butter; and every article,

substitute or compound except that produced from pure milk or cream from milk of cows, made in semblance of cheese, is imitation cheese. Prohibits the manufacture or sale or delivery of imitation butter or cheese except as in this chapter provided.

Sec. 2517. A substitute for butter or cheese not having a yellow color, nor colored in imitation thereof, as prohibited in the next section may be manufactured, sold or consigned if each tub, firkin or other package shall have branded, stamped or marked on the side or top thereof in the English language in a durable manner the words "substitute for butter," or "substitute for cheese," as the case may be, the letters to be not less than one inch in length by one-half inch in width. Prohibits the defacing, erasure or canceling of such brand or mark with intent to deceive. Said substitute for butter or cheese may be kept and served as food and for cooking in hotels, restaurants, lunch counters, boarding houses, and other places of public entertainment, only in case the proprietor thereof shall display and keep constantly posted a card where the guests and others are served with said food, which card shall be white and at least 10 by 14 inches in size, and the words "substitute for butter used here," or "substitute for cheese used here," as the case may be, shall be printed therein in black Roman letters of the same size as herein required to be placed upon tubs, firkins or other packages in which substitutes for butter or substitutes for cheese are kept, and no other words shall be printed thereon. No substitute for butter or cheese shall be sold in the manufacturer's original package for true butter or cheese, unless the producer at the time of purchase was informed of the true character of the article and furnished with a printed statement in prominent type in the English language that the article sold is a substitute, and giving the name and place of business of the maker. The transportation of imitation butter and cheese through and across the state is not prohibited.

Sec. 2518. Prohibits coloring of any substance intended as a substitute for butter or cheese, so as to cause it to resemble true dairy products, or combining any animal fat, vegetable oil or other substance with butter or cheese for the purpose of imparting to the compound the color of yellow butter or cheese, and prohibits the sale or soliciting orders for the delivery, or the keeping for sale of any such substance so colored as aforesaid; the use of salt, rennet and harmless coloring matter in making

butter or cheese from pure milk or cream is not prohibited.

Sec. 2519. Prohibits the possession or control, except for family consumption, of any substance as a substitute for butter or cheese unless marked as required in this act. Presumes that any person having such substance in his possession or control unless so marked shall know its true character and name.

Sec. 2520. Contracts made in violation of this act are invalid.

Sec. 2521. Whoever shall have in possession or control any imitation butter or cheese or substitute therefor shall be held to intend to use the same as the means of committing an offense, and shall be subject to a search warrant, and the officer serving the search warrant shall deliver to the Dairy Commissioner a sample of each article seized for the purpose of having same analyzed. If the sample is found to be imitation butter or cheese it shall be returned to and retained by the magistrate for the purposes contemplated in the chapter on "search warrants and proceedings thereon," but if not so found the value of the same shall be paid by the Dairy Commissioner as part of the expenses of his office to the person from whom taken.

Sec. 2522. Every city milk dealer, or every person furnishing milk or cream to such dealer, or person operating a creamery, cheese factory or condensed milk factory, or re-working or packing butter, shall maintain his premises and utensils in a clean and hygienic condition, and shall make, upon blanks furnished by the Dairy Commissioner, such reports and statistics as may be required by the commission.

Sec. 2523. Milk tests. Every person operating a creamery or cheese or condensed milk factory and using a chemical test to determine the quantity of butter fat in milk purchased or received shall use such tests so as they shall be free from oil and free from any foreign substance, and produce correct measurements of butter fat: and such person shall procure from the Dairy Commissioner for each factory one standard tube or bottle, and one standard measure or pipette, for testing milk, which shall be kept for inspection by the patrons. The burden of establishing the use of reliable tests and the results therefrom shall be upon the operator in any action under this chapter.

Sec. 2524. The commissioner may appoint agents in cities of over 10,000 inhabitants to collect from dealers four times a month samples so received and make record thereof with the name and location of the person from whom it was obtained, and report his work in detail to the commissioner at a compensation not to exceed \$3 per day.

Sec. 2525. Any person who shall sell milk

or cream from a wagon, depot or store, or deliver milk to an hotel or restaurant or boarding house, or any public place, shall be considered a city milk dealer. He shall not sell without a written permit from the commissioner for each wagon, depot or store operated by him, for which he shall annually pay \$1. Permits expire on the 4th day of July of each year.

Sec. 2526. Said commissioner and his agents may open any can or vessel containing milk or cream and inspect its contents and take samples for analysis. And any city milk dealer or his employe resisting or interfering with the commissioner in the performance of his duties is guilty of a misdemeanor and punished as provided in this chapter.

Sec. 2527. Whoever shall violate any of the provisions of this chapter shall be punished by a fine not exceeding \$500, or by imprisonment in the county jail not exceeding six months, or both.

Sec. 2528. The commissioner shall be allowed postage, stationery and office supplies, and an annual salary of \$1,500 and expenses. Said expenses shall not exceed \$3,000 per year. The salary of the clerk shall be paid in the same manner as that of the commissioner.

IMPURE OR SKIMMED MILK.

Sec. 4989. If any person sell or exchange or deliver for domestic or portable use or to be converted into any article of human food any unclean, impure, adulterated, unwholesome or skimmed milk or cream, from which has been held back strippings, or milk taken from an animal having a disease, sickness, ulcers, abscess or running sores, or which has been taken from an animal within fifteen days before or five days after parturition, or if any person shall stable milk cows in an unhealthy place or crowded manner, or feed them food which produces impure or unwholesome milk, or feed them distilled glucose, or brewery wastes, or upon any substance in a state of putrefaction or rotteness or of an unhealthy nature, or shall sell cream taken from such milk, or shall sell as cream an article which shall contain less than the amount of butter fat as prescribed in this chapter; or shall sell any cheese manufactured from skimmed milk without being plainly branded, stamped or marked on the top and sides of said cheese and package containing same in a durable manner, in the English language the words "skimmed milk cheese," the letters to be not less than one inch in height and one-half inch in width, shall be fined not less than \$25 nor more than \$100, and be liable to double damages to the person or persons upon whom such fraud shall be committed; the provisions of this action, however, shall not

apply to skimmed milk when sold as such as prescribed in the chapter.

Sec. 4990. The addition of water or any substance or thing to whole milk or skimmed milk is hereby declared an adulteration, and milk obtained from animals fed upon waste as defined in this chapter is declared to be impure and unwholesome, and milk proved by any reliable method of analysis to contain less than twelve and one-half per cent of milk solids to the hundred pounds of milk, or than three pounds of butter fat to the hundred pounds of milk, shall be regarded as skimmed or partially skimmed milk, and any article not containing fifteen per cent or more of butter fat shall not be regarded as cream.

FOOD LAWS.

The Board of Health shall make complaints to the states attorney who shall enforce these laws.

Sec. 4986. Labeling. No person shall mix, color, stain or powder any article of food, drink or medicine, or any article which enters into the composition of them, with any other ingredient or material, whether injurious to the health or not, for the purpose of gain or profit or sell or offer for sale or order to permit the sale of such article unless the same be so marked, or unless it is sold or offered for sale under its true and appropriate name and notice that the same is mixed or impure is marked, printed or stamped upon every package or parcel containing the same, so as to be and always remain readily visible or unless the person purchasing the same is fully informed by the seller of the true name and ingredients of the article at the time of the sale or of the offer, but nothing in this section shall prevent the use of harmless coloring matter used in coloring butter or cheese.

Sec. 4987. Glucose. Skimmed Milk. Cheese. Oleomargarine. No person shall mix any glucose or grape-sugar with syrup or sugar intended for human food, or mix glucose or grape-sugar with any article without distinctly marking, stamping or labeling the same with the true and appropriate name of such article and the percentage in which such ingredients enter into the composition of it, nor shall any person sell, offer or permit to be sold any such food, into the composition of which glucose or grape-sugar has entered without contemporaneously giving notice to the buyer, of the fact and the proportion of such ingredients in the composition.

Sec. 4988. Penalty. Any person violating any provision of the preceding section shall for the first offense be fined not less than ten dollars nor more than fifty, and for the second offense not less than twenty-five nor more than

one hundred dollars, or imprisonment in the county jail for not more than thirty days, and for any subsequent offense not less than one hundred dollars and not more than one thousand dollars and imprisonment in the penitentiary not less than one nor more than five years.

Sec. 4992. Lard from Diseased Hogs. All persons or associations engaged in selling lard rendered from swine which have died of disease shall before selling or offering to sell any such lard plainly stamp, print or write upon the cask, barrel, or other vessel containing the same the words "lard from hogs which have died of disease," or if sold without such casks or receptacles the purchaser shall be informed that the lard is from hogs which have died of disease. For a violation of the provisions of this section a fine of not less than five nor more than one hundred dollars or imprisonment in the county jail not exceeding thirty days shall be imposed.

Sec. 4993. Compound Lard. Labeling. No manufacturer or other person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard which contains any ingredient not the product of healthy swine in any package, or under any label bearing the words "pure," "refined," "family" or other or similar words, alone or in combination with other words of like import, unless such package bears on the top or outside thereof, in letters not less than one-half inch in length and plainly exposed to view the words "Compound lard" and the name and proportion in pounds or fractional parts thereof of each ingredient contained therein. Imposes a fine for the first offense of not less than twenty nor more than fifty dollars and for each subsequent offense not less than fifty nor more than one hundred dollars.

Sec. 4994. Canned Food. Label. It shall be unlawful for any packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food, not including canned or condensed milk or cream, to knowingly offer such canned or preserved articles for sale for consumption in this state, unless the cans or vessels which contain the same shall bear the name, address and place of business of the person, firm or corporation that packed or canned the articles sold or offered for sale, and the name of the wholesale dealer in the state who sells or offers the same for sale, together with the name of the state, city, town or village where the same are packed plainly printed thereon, preceded by the words "packed at," the name and address and place of business shall be plainly printed and labeled with

the mark indicating quality of the article contained therein.

Sec. 4995. Soaked Goods. All packers or dealers in soaked goods or goods put up from products dried or cured before canning, shall, in addition to complying with the provisions of the preceding section, cause to be plainly printed on the cans, in letters one-half inch in height and three-eighths of an inch in width, the word "Soaked."

Sec. 4996. Penalty. Any packer or dealer who shall violate any of the provisions of the two preceding sections shall be fined not more than fifty dollars for each offense in the case of a retail dealer, and not less than five hundred dollars nor more than one thousand dollars for

each offense in case of a wholesale dealer or packer.

CANDY.

Sec. 4984a. No person shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale or knowingly sell or offer for sale any candy adulterated by the admixture of terra alba, barytes, tale or other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health.

Sec. 4984b. Penalty. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty, and the candy so adulterated shall be forfeited and destroyed under the direction of the court.

DECISIONS OF THE SUPREME COURT OF IOWA ON FOOD LAWS.

LARD. The act requiring that all compound lard should have the words "Compound" with the name and proportion of the substances composing the same printed or written upon the outside of the package containing it, is constitutional. *State vs. Snow*, 81 Iowa, 642.

MILK. It is held that a statute declaring a fine for selling adulterated milk is not unconstitutional, and that it does not restrain the police power of the state, as to public health, safety, etc. *State vs. Schlenker*, 121 Iowa, 642.

Where the statute provides that addition of wa-

ter or any other substance to milk is an adulteration "for the purpose of this Chapter," it is not unconstitutional nor an encroachment on the judiciary power. *State vs. Schlenker*, 112 Iowa, 642.

MILK. The police power can prohibit the sale of adulterated milk, though it be sold openly, fairly and with notice as such, and although the adulteration be harmless. *State vs. Schlenker*, 112 Iowa, 642.

MILK. Criminal intent need not be proven in a case against one who sells adulterated milk. *State vs. Schlenker*, 112 Iowa, 642.

PURE FOOD LAWS OF KANSAS.

The State of Kansas has no Food or Dairy Commission and no department of state is specifically charged with the enforcement of the laws against the adulteration of dairy and food products, but they are left to be enforced in like manner as the laws against other misdemeanors, and may be invoked by any citizen of the state, police officer or other authorities.

CHAPTER 31, ARTICLE II.

Sec. 2317. Whoever knowingly sells, supplies or brings to be manufactured to any cheese manufactory in the state any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, commonly known as skim milk, or keeps back any part of the milk known as "strippings," or brings or supplies milk to any cheese manufactory that is tainted or partly sour from want of proper care in keeping pails, etc., clean and sweet, after being notified of the same; or any cheese manufacturer who shall knowingly use

or cause to be used for his own benefit any cream from milk brought to said cheese or butter manufactory without the consent of the owner thereof, shall for each and every offense forfeit and pay a sum not less than \$25 nor more than \$100, with costs, to be recovered in a criminal action.

ADULTERATED CHEESE AND MILK.

Sec. 2318. Provides that whoever knowingly sells to any person, or sells, delivers or brings to be manufactured to any cheese or butter manufactory in the state, any milk diluted with water or otherwise adulterated, or milk from which any cream has been taken, or milk commonly known as skimmed milk, or shall keep back any part commonly known as "strippings" with intent to defraud, or knowingly sell milk the product of a diseased animal, or knowingly use any poison or deleterious material in the manufacture of cheese or butter, shall upon conviction be fined not less than \$25

nor more than \$100 and shall be liable in double the amount of damages to the firm, person or corporation so defrauded.

ADULTERATED VINEGAR.

Sec. 2319. Every person who manufactures or exposes for sale as cider vinegar any vinegar not the product of pure apple juice, known as apple cider, or vinegar not made exclusively of apple cider, or into which any deleterious substance, drug or acid has been introduced, shall for each offense be punished by a fine not less than \$50 nor more than \$100.

Sec. 2320. Every person who manufactures, sells or offers for sale any vinegar which contains any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each offense be punished by a fine not less than \$50 nor more than \$100.

Sec. 2321. The provisions of sections 1 and 2 shall apply to all preparations of vegetables, fruits or other products in which vinegar is one of the principal ingredients.

Sec. 2322. Every person making or manufacturing cider vinegar shall brand on the head of the cask, barrel or keg containing such cider vinegar the name and residence of the manufacturer, and the words "cider vinegar"; and any manufacturer or person who brands any cask, keg or other vessel with the name of cider vinegar which contains any other liquid than pure cider vinegar shall be fined not less than \$50 nor more than \$100 for each barrel, keg, cask or other vessel so branded.

FOODS AND DRUGS.

Sec. 2323. The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound.

Sec. 2325. An article shall be deemed to be adulterated within the meaning of this act: First, in the case of drugs, if, when sold under or by a name recognized in the United States Pharmacopœia it differs materially from the standard of strength, quality or power laid down therein: second, if, when sold under or by a name not recognized in the United States Pharmacopœia, but found in some other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work: third, if its strength, quality or purity falls below the professed standard under which it is sold.

In the case of food: First, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously effect its quality, strength or power: second, if any inferior or cheaper substance has been substituted wholly or in part for it: third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it: fourth, if it is an imitation of or sold under the name of

another article: fifth, if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, and in the case of milk, if it is the product of a diseased animal: sixth, if it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is: seventh, if it contains any added substance or ingredient which is injurious to health, or any deleterious substance not a necessary ingredient of its manufacture. Provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures and compounds and not injurious to health, and contain no ingredients unnecessary to the preparation of the genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated.

Sec. 2326. Every person manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article included in this act, shall furnish such person demanding same who shall tender him the value thereof a sample sufficient for analysis of any drug or article of food which is in his possession.

Sec. 2327. Whoever refuses to comply with the requirements of section 4 hereof shall be guilty of a misdemeanor and fined not exceeding \$100 nor less than \$25, or imprisoned not exceeding 100 days nor less than 30 days, or both. Any person found guilty of manufacturing, offering for sale or selling any adulterated article of food or drug under the provisions of this act, shall pay in addition to the penalties provided the necessary costs and expenses of inspection and analysis of such adulterated article offered for sale or sold.

ARTICLE 9.

ADULTERATED PROVISIONS.

Sec. 2277. If any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months or fined not exceeding \$100.

Sec. 2278. If any person shall fraudulently adulterate for the purpose of sale any substance intended for food, or any wine, spirit, malt liquor or liquor intended for drinking, with any substance injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or fined not exceeding \$300, and such adulterated article shall be forfeited and destroyed.



HON. M. A. SCOVELL,
Director.



R. M. ALLEN,
Secretary of Food Division.



J. O. LA BACH,
Chemist.

**KENTUCKY FOOD DIVISION—AGRICULTURAL
EXPERIMENT STATION.**



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Preserves, - Jellies,
Fruit Butters, Mince
Meat, Maple Syrup,
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Represent the highest results obtainable through the employment of most approved methods and modern processes.

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LOUISVILLE, KY.

All products made to conform to the requirements of all Pure Food Laws.



KENTUCKY FOOD LAWS.

The Pure Food Laws of Kentucky are administered by the Agricultural Experiment Station of the State College of Kentucky. This is in charge of a director, whose duty it is to see that the Pure Food Law of the state is enforced. The Pure Food division of this department consists of the following members:

M. A. Scovell.....Director.
R. M. Allen.....Secretary.
J. O. LaBach.....Chemist.

FOOD LAWS.

CHAPTER 13.

AN ACT TO AMEND AN ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, ENTITLED AN ACT REGULATING THE SALE OF FOOD, WHICH BECAME A LAW JUNE 13, 1898.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

First. That the statute mentioned in the title of this act and being an act regulating the sale and manufacture of food, which became a law on June 13, 1898, be, and the same is hereby repealed, and in lieu thereof, the following is enacted:

Section 1. It shall be unlawful for any person, persons or corporation within this state to manufacture for sale, or expose for sale, or have in his or their possession for sale, or to sell any article of food which is adulterated or misbranded within the meaning of this act; and any person, persons or corporation who shall manufacture for sale, expose for sale, or have in his possession for sale, or sell any article of food which is adulterated or misbranded in violation of this act, shall be fined not to exceed \$100, or be imprisoned for not more than fifty days, or both such fine and imprisonment.

Sec. 2. The term food, as used in this act, shall include every article used for or entering into the composition of food or drink of man or domestic animals, except spirituous, vinous or malt liquors.

The term misbranded, as used in this act, shall include every article of food, and every article which enters into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be untrue in any particular; or any statement purporting to name the substance or substances of which such article is made, which statement shall not give fully the names of all substances contained in such articles in any measurable quantity.

Sec. 3. For the purpose of this act, an article shall be deemed adulterated:

First. If any substance or substances be mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any inferior substance or substances be substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation, or sold under the name of another article; provided that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, butterine, or kindred compounds in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Fifth. If it is colored, coated, polished or powdered, whereby damage is concealed, or if it is made to appear better or of greater value than it is.

Sixth. If it contains poisonous ingredients which may render such article injurious to the health of the party consuming it, or if it contains any antiseptic or preservative not evident or not known to the purchaser or consumer.

Seventh. If it consists in whole or in part of a diseased, filthy or decomposed or putrid substance, either animal or vegetable, unfit for food, whether manufactured or not, or if it is in any part the product of a diseased animal, or of any animal that has died otherwise than by slaughter.

Eighth. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or is an imitation either in package or label of any other substance of a previously established name.

Provided, That any articles of food which are adulterated or misbranded within the meaning of this act, but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if the same shall be plainly labeled "adulterated," or labeled, branded or tagged so as to show the exact character thereof.

Provided, further, That nothing in this act shall be so construed as requiring or compelling proprietors or manufacturers or sellers of proprietary foods which contain on unwholesome substances to disclose their trade formulas, except so far as the provisions of this act require to secure freedom from adulteration or imitation, but in the case of baking powders every

ESTABLISHED 1870

Pure Food Products

KENTUCKY BELLE
 OLD HOMESTEAD
 ONEIDA COUNTY
 WHITE WINE
 APPLE
 MALT
 CRAB

V CIDER
 SAUCE
 CATSUP
 INEGAR

Flavor
 Purity
 Strength

Bunker Hill Maple Syrup

PRICE & LUCAS CIDER & VINEGAR CO.
 (INCORPORATED.)

Louisville, = = = Kentucky

can or other package shall be labeled so as to show clearly what acid salt has been used in making the same.

Provided, further, That no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the director of the Kentucky Agricultural Experiment station, signed by the wholesaler, jobber, manufacturer or other party from whom he purchased said articles, and provided he establishes that such guarantor or guarantors reside in the State of Kentucky. But said guaranty to afford protection shall contain the full name and address of the party or parties making the sale of such article to such dealer.

Sec. 4. The director of the Kentucky Agricultural Experiment station shall make or cause to be made examinations of samples of food manufactured or on sale in Kentucky at such time and place and to such extent as he may determine. He shall also make or cause to be made analyses of all food products which the State Board of Health may suspect of being injurious to health, and of any sample of food furnished by any commonwealth's, county or city attorney of this commonwealth. And the said director may appoint such agent or agents as he may deem necessary, who shall have free access at all reasonable hours for the purpose of examining into places wherein it is suspected any adulterated article or food exists, and such agent or agents upon tendering the market price of such articles, may take from any person, firm or corporation, samples of any articles suspected of being adulterated or misbranded. The director of said station is hereby empowered to adopt and fix standards of purity, quality or strength, when such standards are not specified or fixed by statute.

Sec. 5. Whenever any sample shall have been examined and found to be adulterated or misbranded in violation of this act, the director shall certify the facts to the commonwealth's attorney of the district, or to the county attorney of the county, or city attorney of any city or town in which the said adulterated or misbranded food product was found; together with a statement of the results of the examination of the said article of food duly authenticated by the analyst under oath and taken before some officer of this commonwealth authorized to administer an oath having a seal. And it shall be the duty of every prosecuting attorney, county attorney and city attorney to whom the director of said station shall report any violation of this act, to cause proceedings to be commenced against the party so violating the act, and the same prosecuted in manner as required by law.

Sec. 6. Said station shall make an annual

report to the Governor upon adulterated food products, in addition to the reports required by law, which shall not exceed 150 pages, and said report may be included in the report which said station is already authorized by law to make, and such annual reports shall be submitted to the General Assembly at its regular session.

Sec. 7. The said experiment station may issue at least once a year a bulletin giving the results of all analyses of samples taken under this act, together with the names of the parties from whom the samples were taken; as far as possible, the names of the manufacturers; the number of samples found to be adulterated; the number not found adulterated, and the number of adulterated samples that have been reported by the station to the different commonwealth's attorneys, county and city attorneys of the state. The edition of this bulletin shall not be less than 10,000 copies, to be distributed free to citizens of the state who may desire the same, and to other interested persons so long as the edition may last.

Sec. 8. Said experiment station shall receive five (\$5.00) dollars for the analysis of each sample taken in accordance with this act, and all necessary expenses in carrying out the provisions of this act, including expenses for procuring samples, expert witnesses attending the grand juries and courts, clerk hire and attorneys' fees; provided the total expenses from all sources shall not exceed in any one year seven thousand five hundred dollars (\$7,500). The Board of Control of said experiment station shall furnish to the auditor of public accounts an itemized statement of all the expenditures of money made under this act.

The amount of expenditures reported to the auditor shall be paid by the commonwealth to the treasurer of said experiment station, upon the written request of the Board of Control of said experiment station, and the auditor for the payment of the same, is directed to draw his warrant upon the treasurer as is the manner of the payment of other claims against the commonwealth.

Sec. 9. All fines recovered under this act shall be kept as a separate fund to pay necessary expenses in maintaining same.

Sec. 10. No civil action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

Sec. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 17, 1900.

A digest of the Pure Food Laws of the State of Kentucky, as presented herein, is the work of Mr. M. A. Seovell, Director, and is as follows:

ADULTERATIONS.—The law provides (Sec. 3)

that articles of food which are adulterated but which do not contain any added poisonous or deleterious ingredient, may be manufactured or sold if plainly labeled "adulterated" or labeled, branded or tagged so as to show the exact character thereof. The words "mixture," "compound" or other similar expressions cannot be substituted for the word "adulterated" when the components are not given.

ANTISEPTICS.—Salicylic acid, benzoic acid, boracic acid, hydrofluoric acid, sulphurous acid and their compounds, the salicylates, benzoates, borates, fluorides and sulphites; also formaldehyde or formalin and various mixtures known in the trade as "freezine," "iceine," "preservatives" of various kinds, etc., are antiseptics, and it is unlawful to sell articles of food containing them unless plainly labeled "adulterated" or the presence of the antiseptic and its kind is clearly shown on the label or made known to all purchasers, where the article is not capable of being labeled.

BAKING POWDERS.—The law requires that every can or other package of baking powder shall be labeled so as to show clearly what acid salt has been used in making the same. Baking powders, in which exsiccated alum or sulphate of alumina is used, should be labeled "alum baking powder"; those in which phosphate and alum are used should be labeled "alum phosphate baking powder"; those in which phosphate alone is used should be labeled "phosphate baking powder," and those in which cream of tartar baking powder. If the label already makes known in a conspicuous manner what acid salt has been used, the form is not essential. If the label does not give the name of the acid salt, a printed slip stating what acid salt has been used must be pasted on the label. But in any case the words "alum," "alum-phosphate," "phosphate" or "cream of tartar" must be printed in letters not smaller than brevier heavy Gothic caps and on white or light background, so that the words can be easily seen.

BUTTER.—Butter should contain at least 80 per cent of pure milk fats. Butter made by the use of "black pepsin" or other substance, in order to incorporate large quantities of water and caseine, is adulterated.

Where other fats or oils are substituted, in part or whole, for milk fat in butter, such article cannot be sold as "butter," or "creamery butter," or "dairy butter," or any combination of words embracing the word "butter," but must be classed as "oleomargarine" or "butterine" and so plainly labeled.

Process butter or unmarketable butter that has been melted and made over is classed as adulterated butter.

CANDY.—The use of harmful coloring mat-

ters or other ingredients and the admixture of terra alba, kaolin or other mineral substances to give weight and volume to the mass, are adulterations.

CHEESE.—Cheese not made wholly from milk or cream, salt, and harmless coloring matter, is considered adulterated, and must be sold as "filled cheese" or the name and amount of the adulterant must be made part of the label. Cheese made from milk from which part of the cream or fat has been taken, must be so labeled as to indicate the amount of cream or fat taken from the milk of which it was made. Cheese containing less than 10 per cent of fat must be labeled "Skim milk cheese."

CIDER.—Cider is the unfermented juice of the apple. Any substitute for apple juice, or any antiseptic added constitutes an adulteration, and such adulterated cider should not be offered for sale, unless the name of the adulterant is made part of the label.

COFFEE. Any article offered as coffee which contains any substitute for the coffee bean in any proportion is adulterated, and should not be offered for sale unless the quantity and kind of such substitute is given as part of the label.

CREAM.—Cream shall be produced wholly from pure milk and free from added coloring matter, preservatives or other additions of any kind. It must contain not less than 15 per cent of milk fat.

FLOUR.—Flour is the fine and bolted meal of the wheat grain. When mixed with any material not derived from the wheat grain it is adulterated, and cannot lawfully be sold unless plainly marked "adulterated," or the kind and amount of the admixture is made a part of the label.

Buckwheat flour or rye flour must be derived wholly from the grains designated in the name, and any admixture of other flours or materials constitutes an adulteration and such mixtures cannot be lawfully sold unless plainly marked "adulterated" or the kind and amount of the admixture is made part of the label.

FRUIT, JELLIES, FRUIT BUTTERS, PRESERVES, CANNED FRUITS, FRUIT CONSERVES, CONFECTIONS, FRUIT JUICES AND SYRUPS, ETC., must consist of the fruit specified in the label, preserved only with cane sugar (sucrose), and must not contain artificial flavors, coloring matters or antiseptics. If such articles contain any substitute for the fruit, or any inferior material to make up in bulk or weight, any glucose or other substitute for sugar, any artificial flavor or color, any starch or animal gelatine, any salicylic acid or other antiseptic, or any substance not naturally occurring in such fruits, except spices or other wholesome, natural flavoring materials, they are adulterated, and can-

not be lawfully sold, unless plainly labeled "adulterated," or the presence of all such substances is clearly indicated by the label.

Fruit preserves, jams, marmelades and butters should not contain less than 80 per cent of total solids, 1 per cent of acid, calculated as malic, and 0.6 per cent of ash; jelly should not contain less than 65 per cent total solids, 1 per cent of acid, calculated as malic, and 0.3 per cent of ash.

GUARANTY OF PURITY.—Attention is called to the provision of section 3, sub-section 8, "that no dealer shall be convicted under the provisions of this act when he can establish a written guaranty of purity in a form approved by the Director of the Kentucky Agricultural Experiment Station, signed by the wholesaler, jobber, manufacturer or other party from whom he establishes that such guarantor or guarantors purchased said article, and provided that he reside in the state of Kentucky. But such guaranty, to afford protection, shall contain the full name and address of the party or parties making the sale of such article to such dealer."

HONEY.—Honey is the nectar of flowers and other saccharine exudations of plants gathered by bees. Honey made by feeding bees glucose, sugar, invert sugar or saccharine substance, is not pure honey. Adding sugar, invert sugar or glucose to honey or substituting these materials for honey constitutes an adulteration, and such adulterated honey cannot lawfully be sold unless it is plainly marked "adulterated," or the quantity and name of the adulterant is made part of the label.

LABELING.—In labeling articles to comply with the law each separate package must be labeled. For example, it will not answer to attach to a case of ketchup a label stating that it is preserved with benzoate of soda, but each bottle must bear such label.

LARD.—Lard is the fat of swine, the fat being melted and separated from the flesh. Adding beef fat or stearine, cotton seed oil, or other substitute for swine fat constitutes an adulteration and such adulterated lard cannot lawfully be sold unless it is plainly marked "adulterated," or the quantity and name of the adulterant is made part of the label. Lard must contain not less than 99 per cent of fat.

MILK.—Milk must contain at least 12 per cent of total solids and 3 per cent of fat. Milk containing less than these proportions will be considered adulterated, unless labeled or offered as "skimmed milk," or milk below standard.

The addition of antiseptics or preservatives or coloring matter is an adulteration.

MILK FAT is the fat contained in pure milk or derived therefrom and has a Reichert-meissl

number not less than 24 and a specific gravity not below .905 at 40 degrees C.

MIXED MEAT containing glucose or any inferior material added for the purpose of increasing weight or bulk or any antiseptic, is adulterated and should not be offered for sale unless plainly marked "adulterated" or its component parts given.

MOLASSES AND SYRUPS.—All molasses and syrups are assumed to be made from the juice of cane, or other sugar producing plant, or the sap of the maple tree, and any syrup or molasses containing starch, sugar, glucose, or corn syrup is considered adulterated, and should not be offered for sale unless the label indicates the presence of the same.

OLEOMARGARINE.—Oleomargarine, butterine or kindred compounds, or mixtures of these with butter, cannot lawfully be sold if colored in imitation of butter. The law does not prohibit the sale of oleomargarine, as such, if not colored to look like butter.

OLIVE OIL is the expressed oil of the olive. The substitution of other oils or fats for olive oil, either in part or whole, constitutes an adulteration, and such adulterated oil cannot lawfully be offered for sale unless plainly labeled "adulterated" or amount and kind of the adulterant is clearly shown on the label.

SPICES, MUSTARD, PEPPER, ETC., must not contain any foreign substances or coloring matter introduced to dilute or cheapen the article, and any such admixture constitutes an adulteration and cannot lawfully be sold unless plainly labeled "adulterated," or the kind and amount of admixture are indicated on the label.

TEA.—Tea consists of the dried leaves of the true tea plant, without addition of artificial coloring matter, or filler, or extraction of any essential properties, and any article offered as tea which does not conform to this definition is adulterated and cannot lawfully be offered for sale unless plainly labeled "adulterated," or its true composition is given as part of the label.

VINEGAR.—Standard vinegar is a vinegar made from the juice of the apple, and contains not less than one and a half per cent of apple solids and four per cent of acetic acid. All vinegars labeled "apple," "cider," or "orchard" vinegars are assumed under the law to be standard vinegars. Vinegars not made of the juice of the apple must be labeled truly of what they are made, as "malt vinegar," "distilled vinegar," or "wine vinegar." Otherwise they are to be considered adulterated. If artificial coloring matter is used, this must be stated on each and every label. Vinegar to which other acids than acetic acid have been added are adulterated.

Vinegars containing less than four per cent

of acetic acid may be sold, provided the percentage of acetic acid is made part of the label.

FORM OF PURE FOOD GUARANTY.

Approved by M. A. Scovell, the director

OF THE KENTUCKY AGRICULTURAL EXPERIMENT STATION.

I (or we), the undersigned, resident.. of the Commonwealth of Kentucky, whose name.. and postoffice address.. are hereto subscribed, being the (a)..... of the article.. hereinafter described, and being the person from whom (b)....., of Kentucky, purchased said article.., hereby undertake.. and obligate.. (c)..... unto (b)..... the aforesaid purchaser, that said article.. is (or are) pure within the meaning of that term as used, applied and defined in the statute law of Kentucky, known as the Pure Food Law.

The said article.. above referred to is (or are) described as follows: (d)

.....

 (Name) (e)
 (P. O. Address) (e)
 (Name)
 (P. O. Address)
 (Name)
 (P. O. Address)

a.—Insert "wholesaler," "jobber," "manufacturer" or other words aptly describing the party from whom the article or articles in question were purchased.

b.—Insert name and address of the dealer for whom the guaranty is given.

c.—The singular or plural forms should be used throughout, according as the guarantors are one or more in number.

d.—Describe the articles clearly and explicitly.

e.—Write out name and postoffice address in full.

Lexington, Ky., Sept. 1, 1901.

PURE FOOD LAWS OF LOUISIANA.

The State of Louisiana has no Food or Dairy Commission. The State Board of Health is charged to take cognizance of the interests of the public as it relates to the sale of food and drugs, and the adulteration of the same, and to make inquiries thereto, and to analyze any drug or article of food or drink when they deem same necessary.

The State Board of Health consists of the following members:

Dr. Edmond Souchon, President, New Orleans.

Dr. J. C. Egan, Vice-President, Shreveport.

Dr. T. T. Tarlton, member, Grand Coteau.

Dr. P. B. McCutcheon, member, New Orleans.

Dr. W. G. Owen, member, White Castle.

Dr. J. S. Stephens, member, Natchitoches.

Dr. Arthur Nolte, member, New Orleans.

A digest of the laws against the adulteration of food and dairy products is as follows:

ADULTERATION OF FOOD.

Act 20, 1880, p. 23.

Sec. 1. Provides that it is unlawful for any person to adulterate, sell or offer for sale any article of food knowing the same to be adulterated.

Sec. 2. It is unlawful for any person to sell or offer for sale any tainted provisions or stale vegetables, or other articles of food being in a state of decomposition or unfit for food.

Sec. 3. It is unlawful for any person to

slaughter for food and offer for sale any cattle, hogs, or sheep being in an unhealthful condition.

Sec. 4. Provides it is unlawful for any person, railway, steamships, water or other craft, to discharge at any depot, wharves, or landing within the city of New Orleans, or any city in the state, or less than two miles distant therefrom, any cattle, swine or sheep forwarded through them or on their account when the same are known to be diseased.

Sec. 5. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and punished for the first offense by a fine of \$25 or three months' imprisonment, and for a subsequent offense of \$50 or not less than six months' imprisonment, or both.

Sec. 6. The Secretary of the State shall immediately upon passage of this act notify all sheriffs and other executive officers throughout the state to take cognizance thereof and enforce its provisions.

Sec. 7. Repeals all acts in conflict herewith.

ADULTERATION OF DRUGS, DRINKS, ETC.

Act 82, 1882, p. 103.

Sec. 1. Provides that no person shall manufacture, have, offer for sale or sell within the state any article of food or drug which is adulterated, and provides a penalty by fine not ex-

ceeding \$50 for the first offense, and not exceeding \$100 for each subsequent offense.

Sec. 2. An article shall be deemed adulterated within the meaning of this act, in the case of drugs, if when sold under a name recognized in the United States Pharmacopeia its strength or purity fall below the standard laid down therein, or below the professed standard under which it is sold.

In the case of food, if any substance has been mixed with it so as to lower or injuriously affect its quality or strength, or if any inferior or cheaper substance has been wholly or partially substituted for the pure article, or to mix any substance with food or drink so sold, or to sell it so mixed, which by its use will affect to any extent the public health or injure the health of the consumer of said food or drink.

Sec. 3. Provides that no person shall manufacture, sell or offer for sale within this state any drug, groceries, such as sugar, coffee, tea, butter, cheese or any other article of food or drink, unless the package when sold at wholesale, or the package from which it is taken when sold at retail, be stamped in plain large letters, showing the true quality and kind of the article sold within the meaning of this act. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor and fined not less than \$25 nor more than \$50, or imprisonment not exceeding 10 days, or both.

Sec. 4. Provides that any person who shall knowingly sell any article of food or drink with a stamp as provided aforesaid which is not the article it purports to be, or of inferior quality, shall be guilty of a misdemeanor and fined not exceeding \$100.

DUTIES OF STATE BOARD OF HEALTH.

Sec. 5. The State Board of Health shall take cognizance of the interests of the public health as it relates to the sale of food and drugs, and the adulteration of the same, and make all necessary investigations and inquiries thereto, and at any time when in their judgment necessary they shall analyze any drug or article of food or drink, and publish the results of their analysis with the name of the article in case the same be deleterious to public health, and warn the public against its consumption.

On request of any citizen they shall analyze the article presented by him, but said citizen shall pay for such analysis such fees as the Board of Health may fix.

Sec. 6. On application of the Board of Health or its officers every person manufacturing or selling any article of food or drug shall be bound to furnish a sample of the said article so manufactured or sold to the said board sufficient in quantity to serve the purpose of analysis, under a penalty of not more than \$25, to be recovered before any court of competent jurisdiction.

OLEOMARGARINE.

Act 81, 1886, p. 121.

Sec. 1. Provides that the sale of all substances sold as oleomargarine, butterine, bogus butter, or other material, either separately or in combination with any substance other than the product of the cow, as butter, is prohibited.

Sec. 2. Any merchant, grocer, or other person doing business in the state who shall barter, sell, handle, or give away any of the substances mentioned in the first section of this act, except when so labeled as to unmistakably indicate their true composition, shall be guilty of a violation of the first section of this act and be punished by a fine or imprisonment, or both.

Sec. 3. Repeals all laws in conflict herewith.

SALE OF GLUCOSE WITHOUT STAMP.

Act 49, 1886, p. 83.

Sec. 1. Provides that whoever shall knowingly sell or offer for sale, ship or place upon the market for sale, either by sample, hogshead, barrel, package or otherwise, any sugar or molasses adulterated with glucose or any foreign substance without branding or stamping it as such in clear, legible letters, shall be guilty of a misdemeanor and punished by imprisonment not exceeding 6 months and fined not less than \$200 nor more than \$1,000 for each offense, recoverable before any court of competent jurisdiction, one-half of the fine to the benefit of the Charitable Hospital of New Orleans.


Sec. 2. Whoever shall employ any plantation brands to sell adulterated sugar or molasses shall be guilty of a misdemeanor and punished as provided in section one of this act.

Article 297 of the Constitution of Louisiana provides, among other things, that the general assembly shall provide for the interests of the state medicine in all its departments; * * * for the protection of the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all of the general necessities of life and character.

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LIMA BEANS
STAR LOBSTER
MEATS
POULTRY
and SPECIALTIES

All goods bearing our name and labels are guaranteed free from any adulteration whatever

DECISIONS OF THE SUPREME COURT OF LOUISIANA ON FOOD LAWS.

ADULTERATION. Under a charter authorizing the city to prohibit the adulteration of drinks, it may by ordinance adopt a legal standard against the adulteration, so long as such standard is not unreasonable. *State vs. Fourcade*, 45 La. Ann. 717.

ORIGINAL PACKAGES. Original packages are defined as bundles put up for transportation or commercial handling, and usually consist of a number of things brought together for convenient handling and conveyance. *State vs. Board of Assessors*, 46 La. Ann. 318.

MILK. The city charter authorizes an ordinance prohibiting the adulteration of milk by making it the duty of the council to prevent the sale of adulterated food. *State vs. Stone*, 46 La. Ann. 147; *State vs. Labatut*, 39 La. Ann. 514; *State vs. Fourcade*, 45 La. Ann. 718.

MILK. A city council which is given power by the city to prevent the sale of adulterated food is authorized to pass an ordinance prohibiting the adulteration of milk. *State vs. Stone*, 46 La. Ann. 147.

PURE FOOD LAWS OF MAINE.

The State of Maine has no Pure Food or Dairy Commission; nor is any department of state government specifically charged with the enforcement of the laws relating to the adulteration of articles of food. Such laws as its legislature has enacted to provide against the adulteration of articles of food and drink may be invoked by local boards of health. Every inspector of milk, sheriff, deputy sheriff or constable, as the case may require.

An abstract of the laws now in force in this state upon the subject of pure food is as follows:

ADULTERATED FOOD OR DRINK.

Chapter 128, Revised Statutes.

Sec. 1. Whoever sells diseased, corrupted or unwholesome provisions for food or drink, knowing them to be such, without informing the buyer, or fraudulently adulterates for the purpose of sale any substance intended for food, or any wine, spirituous or other liquors, so as to render them injurious to health, shall be punished by imprisonment for not more than five years, or by fine not exceeding \$1,000; and whoever kills or causes to be killed for the purpose of sale any calf less than four weeks old, or knowingly sells the meat of any calf killed when less than four weeks old, shall be punished by imprisonment in the jail or house of correction not exceeding 30 days, or by fine not exceeding \$50, or both, and all such meat may be seized and destroyed by any board of health officer or any sheriff, deputy sheriff, constable or police officer.

Sec. 2. When complaint is made on oath to any court or justice authorized to issue warrants in criminal cases that meat of calves killed when less than four weeks old is kept or con-

cealed with intent to sell the same for the purpose of food, such magistrate may issue a warrant to search therefor.

OLEOMARGARINE.

Chapter 128.

Sec. 3. Whoever manufactures or sells or has in his possession for future delivery any substance or compound in imitation of yellow butter or cheese, and not made exclusively and wholly of cream or milk, or containing any fats, oils or greases not produced from milk or cream, whether named oleomargarine, butterine, or otherwise, forfeits for the first offense \$100, and for each subsequent offense \$200, to be recovered by indictment, with costs, one-third part to go to the complainant, the balance to the state. It is the duty of every inspector of milk, sheriff, deputy sheriff or constable, as named in section 5 of this chapter, to institute complaint against any person violating the provisions hereof.

Sec. 2. This act shall not be construed to affect any pending indictment for violation of section 3 of chapter 297 of the laws of 1885.

Sec. 5. Every inspector of milk, sheriff, deputy sheriff or constable, shall institute complaint for violations of the two preceding sections whenever he has reasonable cause for suspicion, or on the information of any person who shall lay before him satisfactory evidence of the same. Said inspector or officer shall take specimens of suspected butter or cheese and cause the same to be analyzed or tested, the expense of such analysis or test, not exceeding \$20, may be included in the costs of prosecution and taxed and allowed to the officer paying the same.

Sec. 6. The terms "butter" and "cheese"

mean the product usually known by those names, and which are manufactured exclusively from milk or cream, or both, with salt and rennet, and with or without coloring matter.

MOLASSES.

Sec. 7. Whoever adulterates sugar or molasses, or sells sugar or molasses adulterated with salts of tin, terra alba, glucose, dextrine, starch sugar, corn syrup, or other preparations from starch, shall be fined not exceeding \$500 or imprisoned for not more than one year.

VINEGAR.

Sec. 8. Whoever manufactures or sells, or knowingly causes to be marked or branded as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, and not made exclusively therefrom, or into which any foreign substance, drug or acid has been introduced, as appears by proper tests, shall for each offense be fined not less than \$50 nor more than \$100.

Sec. 9. Whoever manufactures or sells vinegar found upon proper tests to contain any preparations of lead, copper or sulphuric acid, or other ingredient injurious to health, shall for each offense be fined not less than \$100.

Sec. 10. The Mayor or Aldermen of a city shall, and the select men of towns may, appoint one or more persons to be inspectors of vinegar for their respective municipalities, who shall be sworn before entering upon their duties.

LARD.

Chapter 244, Freeman's Supplement.

Sec. 1. Prohibits the sale or preparation of any article intended for use as lard which contains any ingredient but the pure fat of swine, or any tierce, bucket or other vessel under any wrapper or label bearing the words "pure," "refined," "family" or either of them, alone or in combination with other words, unless every vessel, wrapper or label in which such article is sold or prepared bears on the top and outside thereof in letters not less than one-half inch in length, and plainly exposed to view, the words, "compound lard."

Sec. 2. Any person who violates any provision hereof shall forfeit the sum of \$50 to the use of any person suing therefor in an action of debt.

FLOUR AND WHEAT MEAL.

Chapter 257, Laws of 1899.

Sec. 1. Prohibits the sale, preparation, or delivery of any article or substance under or by the name of wheat meal, graham meal or graham flour in imitation of pure wheat meal, and not consisting exclusively of pure wheat meal, unless every box, barrel or wrapper in or under which such article is sold, prepared or

delivered bears on the top or outer side thereof, in letters not less than one-half inch in length, and plainly exposed to view, the words "compound wheat meal."

Sec. 2. Any person who violates any provision of this act shall forfeit the sum of \$50 to the use of any person suing therefor in an action of debt.

MAPLE SUGAR OR SYRUP.

Laws of 1895, Chapter 118.

Sec. 1. Prohibits the sale as maple sugar or syrup of any article made in adulteration or imitation thereof.

Sec. 2. For a violation of the foregoing section a fine of not less than \$25 or not more than \$100, or imprisonment in the county jail for 30 days, or both, is the penalty.

Sec. 3. One-half of said fine is to be paid to complainant, and balance to the county in which such case is brought.

EGGS.

Laws of 1895, Chapter 99.

Whoever sells eggs that have been in cold storage or limed or preserved in any manner, and are not what are usually denominated fresh eggs, without notice to the purchaser, and with intent to deceive, shall be punished by imprisonment not exceeding 30 days, or by fine not exceeding \$100.

REVISED STATUTES OF MAINE, CHAP.

38, AS AMENDED BY LAWS OF 1887,

C. 20; 1893, C. 265; 1897, C. 292.

MILK.

Sec. 44. The municipal officers of cities and towns containing not less than three thousand inhabitants shall annually appoint, and the municipal officers of all other towns shall on application of ten voters therein, annually appoint one or more persons to be inspectors of milk, who shall, before entering upon their duties, be sworn, and give notice of their appointment by publishing the same for two weeks in a newspaper published in their towns, if any, otherwise by posting such notice in two or more public places therein.

Sec. 45. Inspectors shall keep an office and books for the purpose of recording the names and places of business of all persons selling milk within their limits. They may enter any place where milk is kept or stored for sale, and examine all carriages used in the conveyance thereof, and when they have reason to believe any milk found therein to be adulterated they shall take specimens thereof, and cause them to be analyzed or otherwise satisfactorily tested, and they shall preserve the result as evidence. Said inspectors shall leave with the owner of

the milk inspected a sealed specimen of the examined by them, which shall be marked in the same manner as the specimen taken at that time by said inspectors, and prosecute for all violations of the two following sections.

Sec. 46. All measures, cans or other vessels used in the sale of milk shall annually be sealed by the sealer of weights and measures, by wine measure, and shall be marked by the sealer with figures, indicating the quantity which they hold, and whoever fraudulently sells by any other measure, can or vessel, forfeits twenty dollars for each offense.

Sec. 47. Whoever, acting for himself, or as the employe of another, knowingly or willfully sells or offers for sale, milk from cows diseased, sick or fed upon the refuse of breweries or distilleries, or upon any substance deleterious to its quality, or milk to which water or any foreign substance has been added, or sells or offers for sale as pure milk, any milk from which the cream has been taken, forfeits twenty dollars for the first, and fifty dollars for every subsequent offense, to be recovered for the town where the offense is committed by complaint and indictment. When milk shall, by the gravimetric analysis, be found to contain over 88 per cent of water, it shall be deemed *prima facie* evidence that said milk has been watered, and when milk, by the analysis aforesaid, shall be found to contain less than 12 per cent of solids, and less than 3 per cent of fat, it shall be deemed, *prima facie*, milk from which cream has been taken, and any milk which, by the analysis aforesaid, shall be found to contain any foreign substance, shall be deemed milk to which a foreign substance has been added.

LAWS OF 1895, CHAPTER 144.

Sec. 1. The owner or other person having charge of any animal or meat or milk of any animal affected with tuberculosis or other contagious or infectious disease, who, knowing that the animal is thus affected, shall hold the animal or its meat or milk, for human food, shall be liable, on conviction, to a fine of not less than five dollars nor more than fifty dollars.

PUBLIC LAWS OF MAINE, 1895, CHAPTER 71.

CANDY.

Sec. 1. No person shall, by himself, his servant, or agent of any other person or corporation, manufacture for sale, or knowingly sell or offer to sell, any candy adulterated by the admixture of terra alba, barytes, talc or any other material or metallic substance, or by poisonous colors or flavors, or containing brandy, whiskey, rum, wine or any alcoholic liquor in liquid form or other ingredients deleterious or detrimental to health.

Sec. 2. No person shall, by himself, his servant, or agent of any other person or corporation, offer for sale any candy under the name of brandy, whiskey, rum or wine drops.

Sec. 3. Whoever violates any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

Sec. 4. It is hereby made the duty of the prosecuting attorneys of this state to appear for the people and to attend to the prosecution of all complaints under this act, in all the courts in their respective counties.

DECISIONS OF THE SUPREME COURT OF MAINE ON FOOD LAWS.

IMITATION BUTTER LAW. VALIDITY. Laws which prohibit the sale of any substance made in imitation of yellow butter not made from pure milk or cream do not interfere with the right or privilege of the people to engage in the manufacture and sale of any wholesome compound simply to be used as butter, if it is not made in imitation of yellow butter, and its true character is made known. *State vs. Rogers*, 95 Me. 94.

OLEOMARGARINE. The Act which prohibits the sale of any substance made in imitation of yellow butter made exclusively of milk or cream does not contravene the constitution as regards the power of Congress to regulate commerce between the states and foreign nations.

The state has the power to exclude from its

markets any article which may be a fraud upon the general public and lead them to buy what they do not intend to buy, and can exclude from its markets a compound manufactured in another state artificially colored in imitation of yellow butter. *State vs. Rogers*, 95 Me. 94.

IMITATION BUTTER. INDICTMENT FOR SELLING. On an indictment under the law prohibiting the sale of any substance made in imitation of yellow butter which is not made exclusively from pure milk or cream, it need not be shown that the person selling knew that the compound was not made from pure milk or cream, or that he intended to deceive. *State vs. Rogers*, 95 Me. 97.

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PURE FOOD LAWS OF MARYLAND.

The laws concerning the inspection of food supplies and the sale and manufacture of articles of food and drink, with the exception of the "oleomargarine" law, and the regulation of dairies, are administered by "The State Board of Health of Maryland." This board consists of seven members, four of whom are appointed by the governor. These four, together with a secretary and the Attorney General of the state and the Commissioner of Health of the city of Baltimore, constitute the State Board of Health of Maryland. The Attorney General and the Commissioner of Health of the city of Baltimore are members *ex-officio*. Persons appointed hold office four years. The State Board of Health consists of the following members:

Dr. Wm. H. Welch, *President*.

John S. Fulton, M. D., *Secretary*.

Dr. Howard Bratton.

Mr. J. B. Noel Wyatt.

Dr. John Morris.

Dr. Jas. Bosley.

Hon. Isidor Rayner.

A digest of the laws which it is the duty of said board to enforce, with the exception of the "oleomargarine" law and dairy regulations, here follows:

INSPECTION OF FOOD AND DRINK.

ARTICLE 23, PUBLIC GENERAL LAWS, AS AMENDED BY 1890, CHAPTER 604.

48. Provides that no person shall mix, color, paint or sophisticate any article of food or drink with other ingredients or matter, nor offer same for sale so mixed, painted, etc., unless same be manufactured or sold under its true name, and a notice that the same is mixed or impure is marked or stamped upon each package or vessel containing same so as to be at all times visible, or unless the person purchasing the same is fully informed by the dealer of the true name and ingredients of such article of food or drink.

49. Provides that no person shall mix any glucose, grape sugar, or adulterations, with syrup, honey or sugar intended for human food, or oleomargarine, suine, beef fat, lard or other foreign substance with any butter or cheese intended for human food; nor mix any glucose, grape sugar, oleomargarine or adulterant with any article of food or dietetics without stamping or labeling the article or package containing the same with the true name of such adulterant and the percentage in which it is used for the purpose of adulteration; prohibits the sale of any article of food or drink or dietetic

in anywise adulterated without informing the buyer of the fact and proportion of the adulterant; *provided*, this section shall prohibit the use of glucose or grape sugar in the manufacture of candy.

50. No person shall adulterate or sophisticate any wine, vinegar, spirituous or malt liquors used or intended for drink or dietetic purposes by mixing the same with any adulterous drug or substance or liquid injurious to health; prohibits the sale or importation of any wine, vinegar, spirits or malt liquor intended to be used for drink knowing the same to be adulterated.

51. If any person shall fraudulently adulterate any substance intended for food of man, or any wine, vinegar, spirits, malt liquor or liquor intended for drink, he shall be punished by imprisonment in the county jail not longer than one year, or by fine not exceeding \$500.

52. Prohibits the sale of diseased, corrupt or unwholesome provisions, such as poultry, game, flesh or preparations thereof, fruits, vegetables, bread, flour, meal, milk or other things intended to be used as human food; and provides a punishment for the violation hereof by imprisonment in the county jail not more than one year, or fine not exceeding \$500, or both; the unwholesome provisions shall be forfeited and destroyed under this section and under section 51; *provided*, this section shall not apply to shippers or consignors of green fruits and vegetables spoiled in transitu.

53. The State Board of Health is charged with the duty of rendering effective the provisions of this act, and it shall have suspected articles analyzed or tested.

54. Whenever said board or its proper officers shall be satisfied that any article of food or drink has been adulterated, or is unsound or adulterated, it shall forbid the sale thereof for human food and order it destroyed, and the person refusing or neglecting to destroy such unsound or unwholesome article shall be liable to the penalty imposed under the provisions of section 52 hereof.

55. The State Board of Health or its proper officers or inspectors are empowered to inspect and examine any live animal, carcass, meat, poultry, game, flesh, fish, fruit, vegetables, bread, milk, wines, spirituous, malt or other liquors or things exposed for sale and intended for the food of man; and if any such article appear to be diseased, unsound or unwholesome and unfit for the food of man, said board or its officers shall issue an order preventing

the sale thereof, and any person neglecting or refusing to obey said order shall be deemed guilty of a misdemeanor and shall be punished by a fine of any sum not less than \$50 and in default of the payment thereof be imprisoned in the public jail not more than six months.

56. Prosecuting attorneys shall appear for the people and prosecute complaints under this act.

57. The sum of \$2,500 is annually appropriated for defraying the expenses of chemical and scientific examinations made under this act, and for the salaries of inspectors and other necessary expenses to be paid by the treasurer of the state on a warrant of the comptroller.

BUTTERINE AND OLEOMARGARINE.

88. Prohibits the manufacture out of any oleaginous substance or compounds thereof, not produced from unadulterated milk or cream from the same, of any article as a substitute for pure butter or cheese. This provision shall not apply to pure skimmed milk or cheese made from pure skimmed milk. It is a misdemeanor to violate this section, punishable by a fine not less than \$100 nor more than \$500, or by not less than six months or more than one year's imprisonment, or both, for the first offense; and by imprisonment for one year for any subsequent offense.

Ibid, Sec. 2.

89. Prohibits the manufacture out of any animal fat or animal or vegetable oils not produced from unadulterated milk, or cream from the same, of any article in imitation of natural butter or cheese produced from unadulterated milk or cream; nor shall any person mix, compound or add to milk, cream or butter any acids or deleterious substance or animal or vegetable fats or oils not produced from pure unadulterated milk or cream, so as to produce an imitation of natural butter or cheese, whether such substance or compound be made in this state or elsewhere; and it is a misdemeanor to violate this section, punishable by a fine of not less than \$10 nor more than \$500 or not less than six months nor more than one year's imprisonment for the first offense, or by imprisonment for one year for each subsequent offense.

Ibid, Sec. 3.

Sec. 90. Prohibits the manufacture or compounding with natural milk, cream or butter of any animal fats or animal or vegetable oils; or manufacture of any oleaginous substance not produced from milk or cream intended for sale as pure butter or cheese. No person shall coat, powder or color with annatto butterine or oleomargarine or compound thereof, or any product made in whole or in part from animal fats or animal or vegetable oils not produced

from unadulterated milk or cream, so as to resemble pure butter or cheese. Want of knowledge of the nature or ingredients of such product in possession of any person is no excuse from liability under this section. It is a misdemeanor to violate this section, punishable by a fine of not less than \$100 nor more than \$1,000.

Ibid, Sec. 4.

91. No keeper or proprietor of any bakery, hotel, tavern, boarding house, restaurant, luncheon counter or place of public entertainment shall keep or serve therein as food any article made in violation of the provisions of the three preceding sections. It is a misdemeanor to violate this section, punishable by a fine of not less than \$50 nor more than \$200, or not less than 10 days nor more than 30 days' imprisonment for the first offense; or by imprisonment for one year for each subsequent offense.

LIVE STOCK.

Attention is called to the provisions of the public general laws of 1888, article 58, chapter 519. Under these laws is created a State Live Stock Sanitary Board, appointed by the governor for the purpose of protecting the health of domestic animals of the state from exotic, contagious or infectious diseases. This board is empowered to establish and maintain quarantine and such sanitary or other regulations as it may deem necessary. It shall institute and prosecute diligent inquiries to ascertain the condition of health of the live stock in the counties throughout the state, and local Boards of Health shall report cases of infectious diseases to said Live Stock Sanitary Board.

This board is given full power not only to protect the health of live stock in this state from contagious by such rules as it may establish, but also power to enforce the penalties prescribed under the act creating said board on such persons as violate provisions prohibiting the sale of diseased or infected meats from animals that have died otherwise than by slaughter.

DAIRIES.

Chapter 306, Acts of 1898.

19. It is the duty of dairymen and herdsman or private individuals supplying milk to cities, towns or villages to register their herds of cattle with the Live Stock Sanitary Board. For neglect to do so parties offending shall be fined not less than \$1 nor more than \$20 for each offense.

20. It is the duty of said board to have inspected at least annually without notice to the owner or those in charge of any dairy or party supplying milk the premises wherein cows are kept; and if the premises are found to be in

an unsanitary condition said board may prohibit the shipment from such premises until such time as the premises shall conform to the following sanitary rules:

(1) No stable or shed shall be used for stabling cows for dairy purposes which is not well lighted and ventilated, and which is not provided with sufficient feed troughs, boxes and suitable floor laid with proper grade and channels to immediately carry off all drainage, and if a public sewer abuts the premises upon which such building is situated it shall be connected therewith whenever the inspector considers such connection necessary.

(2) No water closet, privy, cess pool, urinal, inhabited room or work shop shall be located within any building or shed used for the stabling of cows for dairy purposes, or for the storage of milk or cream; nor shall any fowl, hog, sheep or goat be kept in any room used for such purposes.

(4) It shall be the duty of each person using premises for keeping cows for dairy purposes to cause the building in which cows are kept to be thoroughly cleaned and to remove all dung from the premises, so as to prevent accumulation in great quantities.

(5) Any person using any premises for keeping cows for dairy purposes shall provide and use a sufficient number of receptacles made of non-absorbent matter for the reception, storage or delivery of milk, and shall cause them at all times to be cleaned and purified and shall cause all milk to be removed without delay from the rooms in which cows are kept.

(6) Every person keeping cows for the production of milk for sale shall cause every such cow to be cleaned every day, and to be properly fed and watered with abundant pure and clean water.

(7) Any enclosure in which cows are kept shall be graded and drained so as to keep the surface reasonably dry: no garbage, fecal matter, or similar matter shall be placed or allowed to remain in such enclosure, unless sufficient straw or good absorbent matter be used to open drains shall be allowed to run through it.

Any person who shall ship or sell milk contrary to the aforesaid order of said Board shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than \$1 nor more than \$20 for each day during which shipments shall be made after notice of such order. The Live Stock Sanitary Board shall at the request of the owner or owners of dairy herds furnish them with certificates of health whenever the provisions of this article are complied with and there is no visible sign of disease amongst such herds. Such certificate shall be revocable in the discretion of the Board.

For the purpose of paying the expenses required in carrying out the provisions of this sub-title the sum of \$3,000 is hereby appropriated annually, or so much thereof as is necessary, out of moneys in the treasury not otherwise appropriated, and the Comptroller is authorized and directed to draw his warrant on the treasury for such sum as the said Board shall produce vouchers for, not exceeding the amount appropriated, payable monthly.

LAWS OF 1902, CHAP. 606, PAGE 869.

MALT LIQUOR.

Sec. 81a. No person shall manufacture, sell or offer for sale, or order or permit any employe or other person to sell or offer for sale, either at wholesale or retail, any malt extract, beer, porter, ale or stout unless the same shall have been brewed or fermented as such; and any person, incorporation or officer or agent thereof violating these provisions, or any person or corporation or agent thereof selling or offering for sale or ordering or permitting any other person or employe to sell or offer for sale any beer (to which coloring matter or portenine has been added), representing the same to be malt extract or porter or other beverage or any malt or spirituous liquor, other than by its proper name, shall be deemed guilty of a misdemeanor and punished by imprisonment for not longer than one year or by a fine not exceeding five hundred dollars or by both fine and imprisonment, in the discretion of the court having jurisdiction.

DECISIONS OF THE SUPREME COURT OF MARYLAND ON FOOD LAWS.

FOOD LAWS. DECISIONS OF U. S. COURTS.
Where a case is decided by the U. S. Courts on a question of constitutionality, the state courts are bound by said decision. *Fox vs. State*, 89 Md. 381.

A state cannot prohibit the importation and

sale within the state of oleomargarine in original packages made to resemble butter and in imitation thereof; but it can prohibit the sale of impure oleomargarine which is deleterious to health whether it is sold for butter or oleomargarine and no matter where it is made. *Id.*

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CONSTRUCTION OF STATUTES. Statutes which prohibit the sale of adulterated meat, butter and milk are construed as a means for the protection of the public health. *Pierce vs. State*, 63 Md. 592.

MILK. POLICE POWER. It is not unconstitutional to declare by law that a certain class of persons shall not sell impure milk within the city or town when a sale by that class of people would be particularly injurious to health, even though the law is not intended to apply to other persons who sell milk in the country, and it is not bad under the foregoing conditions as being class legislation. *State vs. Broadbeit*, 89 Md. 565.

A man has the right to exercise control over his property, but that control can be regulated by law when the protection of the public health requires it and when the equal control and enjoyment by other people of their property requires such regulation. *Id.*

Police power properly exercised cannot be limited by contract nor bartered away by the legislature. *Id.*

MILK INSPECTION. An ordinance made in pursuance of a statute authorizing a city to provide for the inspection and sale of milk within its limits, which requires that all milk shall come up to a certain standard and authorizing the destruction of milk found below that standard, is a valid exercise of the police power. *Deems vs. Mayor*, 80 Md. 164.

OLEOMARGARINE.

ACTS REGULATING SALE OF OLEOMARGARINE VALID. *Pierce vs. State*, 63 Md. 592; *McAllister vs. State*, 72 Md. 390.

VALIDITY OF LAW. The provisions of the oleomargarine law which prohibit the keeping, selling or offering for sale of oleomargarine pro-

duced by mixing animal and vegetable oils deleterious substances and milk with certain acids is valid both as to oleomargarine made in the state and that imported from other states and sold or offered for sale in the original packages. *Fox vs. State*, 89 Md. 381.

The statute against the sale of an article made in imitation or semblance of natural butter is held not to apply to oleomargarine shipped into this state from others and sold in original packages. Held that it is an article of commerce and that the statute would be a violation of the Federal Constitution regarding commerce if it were made to cover such goods. *Fox vs. State*, 89 Md. 381.

INDICTMENT. A violation of the Pub. Gen. Laws, Par. 90, is sufficiently charged in an indictment charging the sale of oleomargarine colored so as to resemble butter. *Rasch vs. State*, 89 Md. 755.

INDICTMENT. An indictment need not allege that the oleomargarine was fraudulently sold. *Fox vs. State*, 94 Md. 143.

RESTAURANT KEEPER. The Maryland Code Pub. Gen. Laws, Sec. 91, which proscribes that it is an offense for a restaurant keeper to serve oleomargarine as food to his boarders is not a violation of the U. S. Con., Par. 2 of Art. 4, nor of the 14th Amend. of the Constitution. *Handcock vs. State*, 89 Md. 724.

It is no defense in a prosecution for selling oleomargarine to say that it is a wholesome article and imported from another state, where it is being sold by a restaurant keeper at his tables, as it is not then being served in original packages and does not come within the purport of the constitution as to selling it in original packages. *Handcock vs. State*, 89 Md. 725.



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PURE FOOD LAWS OF MASSACHUSETTS.

The Dairy and Food Laws of the State of Massachusetts are administered by a Dairy Bureau under the control of the Board of Agriculture, and by the State Board of Health. The Dairy Bureau of the Board of Agriculture consists of three members of said board appointed by the Governor with the advice and consent of the council, for a term of three years. The salary of the members of this bureau and their powers and duties are hereinafter set forth.

THE DAIRY BUREAU OF THE BOARD OF AGRICULTURE CONSISTS OF THE FOLLOWING MEMBERS:

George M. Whitaker, Gen'l Agent... Boston
J. Lewis Ellsworth.
C. D. Richardson.
Fred W. Sargent.

The State Board of Health has supervisory powers over the enforcement of the laws relating to the adulteration of articles of food and drink, and shall take cognizance of all these laws as they relate to the general health.

THE STATE BOARD OF HEALTH CONSISTS OF:

Henry P. Walcott, M. D., Chairman. Cambridge
Gerard C. Tobey, Esq. Wareham
Frank W. Draper, M. D. Boston
Hiram F. Mills, C. E. Lawrence
James W. Hull. Pittsfield
Charles H. Porter. Quincy
Julian A. Mead, M. D. Watertown

Samuel W. Abbott, M. D., Secretary.
X. H. Goodnough, C. E., Engineer.

The persons chiefly concerned in enforcing the Pure Food Laws under the supervision of the Board of Health are as follows:

Sam'l W. Abbott, Sec'y, general supervision of work.

Albert E. Leach, Chemist, Food and Drug Analysis.

Chas. A. Goessmann, Milk Analyst for Western Massachusetts.

H. C. Lythgoe, Ass't Chemist.

John F. McCafferty, Inspector.

John H. Terry, Inspector.

Horace F. Davis, Inspector.

Thomas O. Allen, Inspector.

DAIRY BUREAU.

CHAPTER 89.

Sec. 5. The board [of agriculture] shall at its annual meeting appoint a general agent of the dairy bureau, to assist the bureau and, un-

der its direction, to superintend the work provided for in section 11. He shall receive an annual salary of \$1,200 and his necessary expenses.

Sec. 11. The dairy bureau of the Board of Agriculture shall consist of three members of said board, one of whom shall annually, before the first day of July, be appointed by the Governor, with the advice and consent of the council, for a term of three years. The Governor may at any time terminate the service of any member of said bureau and may thereupon or upon any member thereof ceasing to be a member of the board appoint another member in his place. Each member of said bureau shall receive \$5 for each day of actual service and his actual traveling expenses, which shall be paid by the commonwealth out of the fund provided for in the following section:

The bureau, under the general direction of the Board of Agriculture, shall inquire into the methods of making butter and cheese in cheese factories or creameries, investigate all dairy products and imitation dairy products bought or sold within the commonwealth; enforce all laws for the manufacture, transfer and sale thereof, and shall disseminate such information as will tend to produce a better quality thereof.

The Secretary of the Board of Agriculture shall be the executive officer of the bureau subject to its control and direction, and shall receive, in addition to his salary as secretary, \$500 a year from the commonwealth.

Sec. 12. The bureau may expend not more than \$7,000 annually in its work, and it may co-operate with the State Board of Health and with inspectors of milk, but it shall not interfere with the duties of such board or officers. It shall annually, before the fifteenth day of January, report to the general court in detail of the number of assistants, experts and chemists employed by it, with their expenses and disbursements, of all investigations made by it, of all cases prosecuted with the results thereof, and other information advantageous to the dairy interests in the state.

Sec. 13. The bureau and its agents and counsel as assistants shall have access to all places of business, factories, buildings, carriages and cars, used in the manufacture, transportation or sale of dairy products, or imitations thereof, and to all vessels and cans used in such manufacture and sale, and shall have the authority given to the State Board of Health or its officers or to the inspectors of milk, to enforce and prosecute violations of all

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laws relating to dairy products or imitations thereof. Whoever hinders, obstructs or in any way interferes with an officer or duly authorized agent of the dairy bureau in the performance of his duty shall be punished by a fine of \$100 for the first offence, and of \$200 for each subsequent offence, which shall be payable into the treasury of the commonwealth.

BUTTER, CHEESE AND LARD. CHAPTER 56.

Sec. 35. For the purposes of sections 36 to 47, inclusive, the word "Oleomargarine" shall include "butterine," "imitation butter" and any article, substance or compound, made in imitation or semblance of butter or as a substitute for butter and not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, and for the purposes of section 37, 38 and 41 to 47 inclusive the terms "butter" and "cheese" shall mean the products which are usually known by these names, and are manufactured exclusively from milk or cream, with salt and rennet, and with or without coloring matter.

Sec. 36. Whoever, himself or by agent, sells, exposes for sale or possesses with intent to sell, oleomargarine shall have the word "oleomargarine," or "butterine," stamped, labeled or marked, so that said word cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing any of said oleomargarine. Whoever, himself or agent, exposes or offers for sale oleomargarine not in the original package, shall attach thereto in a conspicuous place a label bearing the words, "imitation butter," "oleomargarine" or "butterine." In retail sales of oleomargarine not in the original package, the seller shall attach to each package so sold and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation butter," "oleomargarine" or "butterine." All said stamps, labels and marks shall be in printed letters in a straight line of plain, uncondensed Gothic type not less than one-half inch in length.

Sec. 37. Whoever, himself or agent, sells, exposes for sale or has in his possession with intent to sell, any article made in imitation or semblance of cheese or as a substitute for cheese, not made exclusively and wholly of milk or cream, or containing any fats, oils or grease not produced from milk or cream, shall have the words "imitation cheese" stamped, labeled or marked in printed letters of plain, uncondensed Gothic type, not less than one inch in length, so that said words cannot be easily defaced, upon the side of every cheese-cloth or band, around the same, and upon the top and

side of every tub, firkin, box or package containing any of said article. In retail sales of any of said article not in the original packages the seller shall attach to each package so sold at retail, and deliver therewith to the purchaser, a label or wrapper bearing in a conspicuous place upon the outside of the package the words "imitation cheese," in printed letters of plain, uncondensed Gothic type, not less than one-half inch in length.

Sec. 38. Whoever sells, exposes for sale or has in his possession with intent to sell, any article, substance or compound made in imitation or semblance of butter or cheese or as a substitute for butter or cheese, except as provided in the two preceding sections, and whoever, with intent to deceive, defaces, cancels or removes any mark, stamp, brand, label or wrapper provided for in said sections, or in any manner shall falsely label, stamp or mark any box, tub, article or package marked, stamped or labeled as aforesaid, or whoever, himself or by agent, sells, exposes for sale, or has in his possession with intent to sell, oleomargarine, contained in any box, tub, article or package, marked or labeled with the word "dairy" or the word "creamery," or the name of any breed of dairy cattle, shall for the first offence forfeit \$100, and for each subsequent offence \$200, to the use of the city or town in which the offence was committed.

Sec. 39. Every person who conveys oleomargarine in carriages or otherwise, for the purpose of selling the same in any city or town, shall annually, in May, be licensed by an inspector of milk of such city or town to sell the same within the limits thereof, and pay therefor to such inspector 50 cents to the use of the city or town. In towns in which there is no inspector of milk, licenses shall be issued by the town clerk. Licenses shall be issued only in the names of the owners of carriages or other vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each license shall be numbered and state the name, residence, place of business, number of vehicles used and the name and residence of every driver or other person engaged in carrying oleomargarine. Each licensee shall, before engaging in the sale of oleomargarine, cause his name, number of license and place of business to be legibly placed on each outer side of all vehicles used by him in the conveyance and sale thereof, in Gothic letters not less than one inch in length, and he shall report to the inspector any change of driver or other person employed by him which may occur during the term of his license. Whoever, without being first licensed, sells, oleomargarine, or exposes or offers it for sale from

TEA

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carriages or other vehicles or has it in his custody with intent so sell, and whoever violates any of the provisions of this section, shall, for a first offence, be fined not less than \$30 nor more than \$100, and for a second offence be fined not less than \$50 nor more than \$300.

Sec. 40. Every person, before selling or offering for sale oleomargarine in a store, booth, stand or market place in a city or town in which an inspector of milk is appointed, shall annually, in May, register in the books of such inspector, or if there is no inspector then in the books of the town clerk, his name and proposed place of sale, and pay 50 cents therefor to the use of such city or town. Whoever neglects so to register shall be fined not more than \$20.

Sec. 41. Whoever, himself or agent, renders, manufactures, sells, offers for sale, exposes for sale, takes orders for the future delivery of, has in his possession, keeps in storage, distributes, delivers, transfers or conveys with intent to sell, within the commonwealth, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same, shall be fined not less than \$100 nor more than \$500 or be imprisoned for not more than one year; but the provisions of this section shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form and in such manner as will inform the consumer of its real character, free from coloration or ingredient which causes it to look like butter.

Sec. 42. Inspectors of milk shall, if they have reasonable cause to believe that the provisions of sections 36 to 47 inclusive have been violated, on the information of any person who lays before them satisfactory evidence, institute complaints for violations of said sections. They may enter all places in which butter, cheese or imitations thereof are stored or kept for sale, and shall take samples of suspected butter, cheese or imitations thereof and cause them to be analyzed or otherwise satisfactorily tested, and record and preserve the result of such analysis or test as evidence. Before commencing the analysis of any sample in proceedings under sections 36, 37 and 38, the analyst shall reserve and seal a portion of the sample, and upon a complaint against any person, such reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to the defendant or his attorney. The expense of such analysis or test, not exceeding \$20 in any one case, may be included in the expenses of such prosecutions. Whoever hinders, obstructs or in any way interferes with an inspector or

his agent in the performance of his duty under the provisions of this section shall be punished by a fine of \$50 for the first offence and of \$100 for each subsequent offence.

Sec. 43. Whoever, himself or by his agent, sells or offers for sale to any person who asks, sends or inquires for butter, any oleomargarine, shall be fined \$100 for each offence.

Sec. 44. Whoever exposes for sale oleomargarine which is not marked and distinguished by all the marks, words and stamps required by law, and does not have upon the exposed contents of every opened tub, package or parcel thereof a conspicuous placard with the word "oleomargarine" printed thereon in plain, uncondensed Gothic letters, not less than one inch long, shall be fined \$100 for each offence.

Sec. 45. Whoever sells oleomargarine from any dwelling, store, office or public mart which does not have conspicuously posted thereon the placard or sign, in letters not less than four inches in length, "oleomargarine sold here," or "butterine sold here," approved by the dairy bureau, shall be punished by a fine of \$100 for the first offence and \$100 for each day's neglect after conviction for the first offence.

Sec. 46. Whoever, himself or agent, peddles, sells, solicits orders for the future delivery of or delivers from any cart, wagon or other vehicle, oleomargarine, not having on both sides of said cart, wagon or other vehicle the placard in uncondensed Gothic letters, not less than three inches in length, "Licensed to sell oleomargarine," shall be fined \$100 or imprisoned thirty days for each offence.

Sec. 47. Whoever furnishes oleomargarine or causes it to be furnished in any hotel, restaurant, boarding house or at any lunch counter, to a guest or patron thereof, instead of butter, without notifying said guest or patron that the substance so furnished is not butter shall be punished by a fine of not less than \$10 nor more than \$50 for each offence.

Sec. 48. Whoever, himself or agent or otherwise, sells, exposes for sale or has possession with intent to sell, any article which is produced by taking original packing stock or other butter, or both, melting the same, so that the butter fat can be drawn off, mixing the said butter fat with skimmed milk or milk or cream, or other milk product, and re-churning the said mixture, or by any similar process, and is commonly known as process butter, shall have the words "renovated butter" conspicuously stamped, labeled or marked, in a straight line in printed letters, not less than one-half inch in length, of plain, uncondensed Gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or com-

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AGENCIES IN PRINCIPAL CITIES IN THE UNITED STATES

pound. The seller at retail of said article or compound, which is not in the original package, shall himself or by agent, attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "renovated butter" in printed letters not less than one-half inch in length in a straight line of plain, uncondensed Gothic type. Whoever violates the provisions of this section shall be fined not less than \$100 nor more than \$500 or imprisoned not more than one year.

Sec. 49. No person shall sell, deliver, prepare, put up, expose or offer for sale any lard or any article intended for use as lard, which contains any ingredient except the pure fat of swine, in any tierce, bucket, pail or other vessel or wrapper, or under any label, bearing the words "pure," "refined," "family," or either of them, alone or in combination with other words; but every vessel, wrapper or label in or under which such article is sold, delivered, prepared, put up or exposed for sale by him shall bear on the top or outer side thereof, in letters not less than one-half inch in length and plainly exposed to view, the words "compound lard." Whoever violates the provisions of this section shall be fined not more than \$50 for the first offence or not more than \$100 for a subsequent offence.

Sec. 50. All fines recovered under the provisions of sections 43, 44, 45, 46 and 47 shall be payable to the commonwealth.

MILK.

Sec. 51. The mayor and aldermen of cities shall, and the selectmen of towns may, annually appoint one or more inspectors of milk for their respective cities and towns. Each inspector shall publish a notice of his appointment for two weeks in a newspaper published in his city or town, if any; otherwise he shall post such notice in two or more public places in such city or town. He shall receive such compensation as the mayor and aldermen or selectmen may determine.

Sec. 52. Such inspectors shall keep an office and shall record, in books kept for the purpose, the names and places of business of all persons engaged in the sale of milk within their city or town. They may, with the approval of the mayor or selectmen, employ collectors of samples of milk. The inspectors or collectors may enter all places in which milk is stored or kept for sale and all carriages used for the conveyance of milk, and take therefrom samples for analysis. They shall, upon request made at the time such sample is taken, seal and deliver to the owner or person from whose possession the milk is taken a portion of each sam-

ple, and a receipt therefor shall be given to the inspector or collector. Inspectors shall cause such samples to be analyzed or otherwise satisfactorily tested, and record as evidence the results thereof; but no evidence of the result of such analysis or test shall be received if the inspector or collector on request, refuses or neglects to seal and deliver a portion of the sample taken as aforesaid to the owner or person from whose possession it is taken.

Sec. 53. Whoever, in cities and in towns in which an inspector of milk is appointed, conveys milk in carriages or otherwise for the purpose of sale shall annually, before the first day of June, be licensed by the inspector of milk of such city or town to sell milk within the limits thereof, and shall pay to such inspector 50 cents to the use of the city or town. Licenses shall be issued only in the names of the owners of carriages or other vehicles. They shall, for the purposes of this chapter, be conclusive evidence of ownership and shall not be sold, assigned or transferred. Each license shall contain the number thereof, the name, residence, place of business, number of carriages or other vehicles used by the licensee, and name of every driver or person employed by him in carrying or selling milk. Each licensee shall, before engaging in the sale of milk, cause his name, number of his license and place of business to be legibly placed on each outer side of all carriages or vehicles used by him in the conveyance and sale of milk, and he shall report to the inspector any change of driver or other person who may be employed by him occurring during the term of his license. Whoever, without being first so licensed, sells milk or exposes it for sale from carriages or other vehicles, or has it in his possession with intent so to sell, or violates any of the provisions of this section, shall for a first offence be fined not less than \$30 nor more than \$100, for a second offence fined not less than \$50 nor more than \$300, and for a subsequent offence be fined \$50 and imprisoned not less than thirty nor more than sixty days.

Sec. 54. Every person, before selling milk or offering it for sale in a store, booth, stand or market place in a city or in a town in which an inspector of milk is appointed, shall register in the books of such inspector his name and proposed place of sale, and shall pay to him 50 cents to the use of such city or town. Whoever neglects so to register shall be punished by a fine of not more than \$20.

Sec. 55. Whoever, himself or otherwise, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver or exposes or offers for sale or exchange, adulterated milk or milk to which water or any for-

eign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or, as pure milk, milk from which the cream or a part thereof has been removed, and whoever sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, skimmed milk containing less than nine and three-tenths per cent of milk solids exclusive of fat, shall for a first offence be punished by a fine of not less than \$50 nor more than \$200, for a second offence by a fine of not less than \$100 nor more than \$300 and for a subsequent offence by a fine of \$50 and by imprisonment for not less than sixty nor more than ninety days.

Sec. 56. In prosecutions under the provisions of section 51 to 64, inclusive, milk, which, upon analysis, is shown to contain in April, May, June, July, August and September less than twelve per cent of milk solids, or less than nine per cent of milk solids exclusive of fat, or less than three per cent of fat, and in the other months to contain less than thirteen per cent of milk solids, or less than nine and three-tenths per cent of milk solids exclusive of fat, or less than three and seven-tenths per cent of fat, shall not be considered milk of good standard quality.

Sec. 57. Whoever, himself or otherwise, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, milk which is not of good standard quality, shall for a first offence be punished by a fine of not more than \$50, for a second offence by a fine of not less than \$100 nor more than \$200, and for a subsequent offence by a fine of \$50 and by imprisonment for not less than sixty nor more than ninety days.

Sec. 58. Whoever, himself or agent, sells, exchanges or delivers or has in his possession with intent to sell, exchange or deliver, milk from which the cream or a part thereof has been removed, not having the words "skimmed milk" distinctly marked upon a light ground in plain, dark, uncondensed Gothic letters at least one inch in length in a conspicuous place upon every vessel, can or package from or in which such milk is, or is intended to be, sold, exchanged or delivered shall be punished as provided in section 55. If such vessel, can or package is of the capacity of not more than two quarts, said words may be placed upon a detachable label or tag attached thereto and said letters may be less than one inch in length.

Sec. 59. Whoever sells, or offers for sale or exchange, condensed milk or condensed skimmed milk in hermetically sealed cans without having such cans distinctly labeled with the name of the manufacturer of such milk, the

brand under which it is made and the contents of the can; and whoever sells condensed milk from cans or packages not hermetically sealed without having such cans or packages branded or labeled with the name of the manufacturer, shall be punished as provided in section 55.

Sec. 60. Whoever makes, causes to be made, uses or has in his possession, an imitation or counterfeit of a seal used by an inspector of milk, collector of samples or other officer engaged in the inspection of milk, and whoever changes or tampers with a sample taken or sealed as provided in section 52, shall be fined \$100 and imprisoned not less than three nor more than six months.

Sec. 61. An inspector of milk, or his agent, who wilfully connives at or assists in a violation of the provisions of section 51 to 64, inclusive, or of section 70, or whoever, except as provided in section 42, hinders, interferes with an inspector of milk or his servant or agent in the performance of his duty, shall be punished by a fine of not less than \$100 nor more than \$300 or by imprisonment of not less than thirty nor more than sixty days.

Sec. 62. A producer of milk shall not be liable to prosecution for the reason that the milk produced by him is not of good standard quality unless such milk was taken upon his premises or while in his possession or under his control by an inspector of milk, collector of samples or agent of the dairy bureau or of the State Board of Health, and a sealed sample thereof was given to him.

Sec. 63. An officer of the State Board of Health or the dairy bureau, an inspector or collector of samples or other state, city or town officer who obtains a sample of milk for analysis shall, within ten days after obtaining the result of the analysis, send it to the person from whom the sample was taken or to the person responsible for the condition of such milk.

Sec. 64. An inspector shall make a complaint for a violation of any of the provisions of sections 51 to 69, inclusive, upon the information of any person who lays before him satisfactory evidence by which to sustain such complaint.

Sec. 65. Bottles, pipettes or other measuring glasses which are used by a person, firm or corporation, or by an employee or agent thereof, at a creamery, cheese factory, condensed milk factory, milk depot or other place, in this commonwealth, in determining by any test the value of milk or cream received from different persons or associations at such creameries, factories or milk depots as a basis of payment for such milk or cream, shall, before use, be tested for accuracy by the director of the Hatch Experiment station of the Massachusetts Agricultural

tural College or by a competent person who may be designated by him. Such director shall receive for such service the amount of the actual cost incurred, and no more, which shall be paid by the persons or corporations for whom it is rendered. Such bottles, pipettes or measuring glasses shall, if found to be accurate, bear in ineffaceable marks or characters the evidence that such test has been so made; if found to be inaccurate they shall be marked "Bad."

Sec. 66. Said director, or his agent, shall annually inspect, at the expense of the owners, all centrifugal or other machines used by any person, firm or corporation, or by any agent or employe thereof, for the testing of milk or cream in fixing the value thereof; and shall cause all such machines to be put into condition to obtain accurate results with the Babcock or other test, at the expense of the owners thereof. Such machines may be replaced by new machines at the election of the persons to whom they belong.

Sec. 67. No person shall, either himself or as an employee of any other person, firm or corporation, manipulate any test, whether mechanical or chemical, for the purpose of measuring the butter fat contained in milk or cream as a basis for determining the value of such milk or cream, or of butter or cheese made therefrom, without first obtaining a certificate from the director of the Hatch Experiment station that he is competent to perform such work. Rules governing applications for such certificates and the granting of the same shall be established by said director. The fee for issuing such a certificate shall not exceed \$2, and shall be paid by the applicant to said director, to be used in paying the expenses incurred under the provisions of section 65 to 69, inclusive.

Sec. 68. Said director shall test farmers' samples of milk or cream by the Babcock method, and report the results of each test, the cost thereof to be paid by the farmer. The director shall also test by the Babcock method samples of milk or cream sent from any creamery, factory or milk depot in the commonwealth by its proper representative, the actual cost of such tests to be borne by the sender. The experiment station shall publish and distribute such information relative to the provisions of this section concerning the Babcock test, and the taking and forwarding of samples, as it considers necessary.

Sec. 69. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than \$25 for the first offence and of not more than \$50 for each subsequent offence.

MEAT AND PROVISIONS.

Sec. 70. Boards of health of cities and

towns may inspect the carcasses of all slaughtered animals and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their cities or towns, and for such purpose may enter any building, enclosure or other place in which such carcasses or articles are stored, kept or exposed for sale. If, on such inspection, it is found that such carcasses or articles are tainted, diseased, corrupted, decayed, unwholesome or, from any cause, unfit for food, the Board of Health shall seize the same and cause it to be destroyed forthwith or disposed of otherwise than for food. All money received by the Board of Health for property disposed of as aforesaid shall, after deducting the expenses of said seizure, be paid to the owner of such property. If the Board of Health seizes or condemns any such carcass or meat for the reason that it is affected with a contagious disease, it shall immediately give notice to the Board of Cattle Commissioners of the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.

Sec. 71. The Board of Health may inspect all veal found, offered or exposed for sale or kept with the intent to sell in its city or town, and if, in its opinion, said veal is that of a calf less than four weeks old when killed, the board shall seize and destroy or dispose of it as provided in the preceding section, subject, however, to the provisions thereof relative to the disposal of money.

Sec. 72. Whoever prevents, obstructs or interferes with the Board of Health in the performance of its duties as provided herein or hinders, obstructs or interferes with any inspector, or examination by him, and whoever secretes or removes any carcass, meat, fish, vegetables or provisions of any kind for the purpose of preventing the same from being inspected or examined, under the provisions of the sections 70 to 76, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or by both fine and imprisonment.

Sec. 73. Whoever knowingly sells or offers for sale or has in his possession with intent to sell for food any diseased animal, or any product thereof, or any tainted, diseased, corrupted, decayed or unwholesome carcass, meat, fish, vegetable or products, fruits or provisions of any kind, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or both; and whoever knowingly sells any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without their condition being fully known to the buyer, shall be punished by a fine of not more than two hundred dollars

or by imprisonment for not more than six months.

VEAL.

Sec. 74. Whoever kills, or causes to be killed, or knowingly sells, offers or exposes for sale, or has in his possession with intent to sell for food the veal of calves killed when less than four weeks old shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than sixty days or both.

Sec. 75. The Board of Health for the city or town in which any animal or property has been condemned, under the provisions of sections 70 and 71, may cause a description of the place in which such condemned property was found and the name of every person in whose possession it was found, and the name of every person convicted, or fined under the provisions of the preceding sections to be published in two newspapers, published in the county in which such property was found.

LABELING GOODS.

Sec. 19. If a statement of any of the ingredients of an article of food or drink, or of any article entering into food or drink, is required by law to be stated upon the label of such article, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly printed on the label, in straight parallel lines, in plain, uncondensed and legible type, well spaced on plain ground. The statement of ingredients shall be clear, separated from and not interspersed or confused with other matter. It shall specify every such ingredient by its ordinary name, and shall be in the English language; the letters of said type shall be not less than one-twelfth of an inch long and shall be larger than any of the printed matter on the label or package, excepting the name of the compound, or the article inclosed therein. The required label shall be firmly attached to or printed on the exterior of the package of said article or the top or side side thereof and in plain sight. But the State Board of Health may in writing approve specific labels not strictly in accordance with the above provision, if it is of the opinion that the information required by law is therein clearly set forth for the reasonable protection of the purchaser. Goods labeled in violation of the provisions of this section shall be subject to the provisions of law relative to the adulteration of food which is unlabeled.

ANALYSIS OF GOODS.

Sec. 20. Whoever offers or exposes for sale or delivers to a purchaser any drug or article of food shall upon application of the inspector, analyst or other officer or agent of the State

Board of Health, and upon tender to him of the value thereof furnish a sufficient sample of any drug or article of food which is in his possession for analysis thereof.

Sec. 21. Before such sample is analyzed a portion thereof shall be reserved and sealed by the analyst and upon a complaint against any person, such reserved portion shall, upon application, be delivered to the defendant or his attorney.

CANNED GOODS.

Sec. 22. Canned articles of food shall not be offered for sale unless they bear a mark to indicate the grade or quality thereof and the name and address of the person who packed or who sells them.

Sec. 23. All canned articles of food which have been prepared from dried products, and have been soaked before canning, shall be plainly marked by an adhesive label having on its face the word "soaked" in letters of legible type not smaller than two-line pica. All cans, jugs or other packages containing maple syrup or molasses shall be plainly marked by an adhesive label having on its face the name and address of the person who made or prepared the same, with the name and the quality of the ingredients of the goods in letters of the size and description aforesaid.

Sec. 24. Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind or knowingly permits such stamping or labeling, or, except as hereinafter provided, violates any of the provisions of sections 16 to 27, inclusive, shall be punished by a fine of not less than one hundred, nor more than five hundred dollars, and whoever sells such goods so falsely stamped or labeled shall be punished by a fine of not less than ten nor more than one hundred dollars.

ADULTERATED FOOD.

Sec. 25. Whoever, for the purpose of sale fraudulently, adulterates food with any substance injurious to health or knowingly barter, gives away, sells or has in his possession with intent to sell any substance intended for food which has been adulterated with any substance injurious to health shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year and the article so adulterated shall be forfeited and destroyed under the direction of the court.

CHOCOLATE.

Sec. 8. Chocolate in cakes shall be made in pans in which shall be stamped the name of the manufacturer, the town in which he resides, the quality of the chocolate in figures, "No. 1," "No. 2," "No. 3," as the case may be, and the letters "Mass."

Sec. 9. Quality number one shall be made of cocoa of the first quality. Quality number two of cocoa of the second quality. Both shall be free from adulteration. Quality number three may be made of the inferior kinds and qualities of cocoa. Each box containing chocolate shall be branded on the end thereof with the word "chocolate," the name of the manufacturer of the chocolate, the town in which it is manufactured and the quality as prescribed and directed in the preceding section for the pan.

Sec. 10. If chocolate manufactured in the commonwealth is offered for sale and is found to be not of the qualities described in the two preceding sections or marked as therein directed it may be seized and libeled.

VINEGAR.

CHAPTER 57.

Sec. 66. Whoever, by himself, servant or agent, or as the servant or agent of another person, sells, exchanges or delivers or has in his custody or possession with intent to sell, exchange or deliver, or exposes or offers for sale or exchange, adulterated vinegar or whoever labels, brands or sells as cider vinegar or as apple vinegar, any vinegar not the legitimate

product of pure apple juice and not made exclusively from cider, shall be punished by a fine of not more than one hundred dollars.

Sec. 67. Vinegar shall contain no artificial coloring matter and shall have an acidity equal to the presence of not less than four and one-half percentum by weight of absolute acetic acid. Cider vinegar shall, in addition, contain not less than two percentum by weight of cider vinegar solids upon full evaporation over boiling water. If pure vinegar contains any artificial coloring matter or less than the required amount of acidity, or if cider vinegar contains less than the required amount of acidity or cider vinegar solids it shall be deemed to be adulterated.

Sec. 68. Every person, who manufactures for sale, or offers or exposes for sale, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health shall for each offence be punished by a fine of not less than one hundred dollars.

Sec. 69. The milk inspector shall cause the provisions of the three preceding sections to be enforced.

DECISIONS OF THE SUPREME COURT OF MASSACHUSETTS ON FOOD LAWS.

ADULTERATION. It makes no difference whether the foreign matter used is or is not injurious to the health; the addition of pure water is punishable under the statute. *Com. vs. Scheffner*, 146 Mass. 512.

DISEASED MEAT. The offense of selling consists in the knowledge or the intention of the party in selling meat which he knows is unfit for food. *Com. vs. Boynton*, 12 Cush. (Mass.) 499.

CATERER. LIABILITY. One who holds himself out to the public as a caterer is liable to all persons who partake of what he has provided for them, in case they suffer from eating unwholesome food so provided. *Bishop vs. Weber*, 139 Mass. 411. And it is not necessary to allege payment or special damage. *Peck vs. Halman*, 28 Mass. 484.

CREAM. Held that cream to which boracic acid has been added comes within the meaning of the statute against a person possessing with intent to sell "milk" to which a foreign substance has been added. The term "milk" is held to include cream. *Com. vs. Gordon*, 159 Mass. 8.

CONSTRUCTION. Sections 5, 6, 7 and 9, Chap. 57, Pub. Stat. are construed to "prohibit the sale, etc., of milk containing 'more than eighty-seven per centum of watery fluid,' or 'less than thirteen per centum of milk solids,' unless it is sold, not as

pure milk, but as skimmed milk, and out of a vessel, can, or package marked as required by section 7, that, on such a charge, it is immaterial what is the cause of the excess of watery fluid, or of the deficiency of milk solids; that the sale, etc., of milk 'to which water or any foreign substance has been added, or milk produced from cows fed on the refuse of distilleries, or from sick or diseased cows,' is prohibited, whether it is sold as skimmed milk or pure milk, and whether it contains more or less than thirteen per centum of milk solids; and that the sale of skimmed milk as pure milk is prohibited, even if it contains more than thirteen per centum of milk solids, and it is prohibited in all cases unless it is sold as skimmed milk and out of a vessel, can, or package marked as required by Sec. 7." *Com. vs. Tobias*, 149 Mass. 129.

ADULTERATION. In prosecution for selling adulterated milk it is immaterial how the quantity of milk solids has been reduced below the required per centage. *Com. vs. Bowers*, 140 Mass. 483.

SAMPLES AND ANALYSIS. Under the law which requires that when a sample of milk is taken an analysis of the same shall be sent to the person from whom it is taken, the milk inspector told the defendant that he would give him the analysis of his samples if he wanted

them, and told him what the analysis of the samples were, and afterwards on defendant's request wrote down the analysis of defendant's samples which were below standard and gave them to defendant, and it was held that defendant was sufficiently informed of the character of his milk. *Com. vs. McCance*, 176 Mass. 292.

OBTAINING SAMPLES. The statute which gives collectors of samples of milk power to enter places where the milk is kept and to take samples for analysis, and which requires a sealed sample to be left with the owner, does not apply to a case where an inspector buys a sample without discovering that he is an inspector, but the defendant may be convicted on the proof by such inspector if the milk is below legal standard. *Com. vs. Coleman*, 157 Mass. 460.

DUPLICATE SAMPLES. The statute is merely directory which requires a portion of a sample of milk taken for inspection to be kept and delivered on request to the owner, and is not a condition precedent to the use of the inspector's testimony. *Com. vs. Holt*, 146 Mass. 38.

SEALING SAMPLES. The statute that requires all samples of milk to be sealed is not complied with by putting wax on top of the cork, but must extend over the nose of the bottle. *Com. vs. Lockhardt*, 144 Mass. 132.

RIGHT TO TAKE SAMPLES. The Legislature alone can justify the taking of samples of milk. An agent of a milk inspector has no right to take samples of milk against the will of the owner when he is not authorized by the inspector. It should be evident that the intention of the legislature was that the inspector should have the right to delegate their power to other persons and not a mere conjecture. *Com. vs. Smith*, 141 Mass. 135.

SAMPLES. Under the law which provides that inspectors of milk shall take and have analyzed samples of substances supposed to be imitation butter, it is not essential to sustain a prosecution for having in possession with intent to sell a compound in imitation of butter that the inspector save out and seal a portion of the sample. *Com. vs. Ryberg*, 157 Mass. 67.

SEALED SAMPLES. The statute of 1886 provides that a portion of a sample of milk taken for analysis shall, if the person taking the same be so requested, be sealed and delivered to the owner. This provision impliedly repealed the former enactment on the subject. *Com. vs. Keneson*, 143 Mass. 418.

COMPLAINTS. RIGHT TO MAKE. The act that provides that inspectors of milk shall be authorized to institute proceedings against persons manufacturing, selling, or having in possession with intent to sell, any article in imitation of yellow butter produced from pure unadulterated milk or cream does not limit such right to such inspectors

alone, but complaints filed may be made by other parties; and it is held that a complaint filed by the assistant of the Board of Agriculture was not bad for want of capacity under the act. *Com. vs. Mullen*, 176 Mass. 132.

MILK SALE. It is held that where milk is delivered to a purchaser of a meal as a part thereof it is a sale of the milk within the meaning of the statute, as though it had been bought and paid for apart from said meal. *Com. vs. Warren*, 160 Mass. 533.

BRIBERY OF MILK INSPECTOR. An indictment for attempted bribery of a milk inspector is sufficient if it sets out all necessary facts relating to his official position even though it does not say that he was an executive officer under the statute relating to the bribery of "any executive, legislative, or judicial officer." The indictment need not aver that the act related to any specific matter then pending before the judge. *Com. vs. Lapham*, 156 Mass. 480.

AVERMENT THAT SAMPLE WAS ANALYZED. It is sufficient to aver that the inspector caused the specimen to be analyzed or otherwise satisfactorily tested under the statute which requires inspectors who find milk adulterated to take samples thereof and have them analyzed and tested. *Com. vs. Lapham*, 156 Mass. 480.

PROOF BY ANALYSIS. A certain mode of proof of adulteration does not exclude other modes which existed before. *Com. vs. Spear*, 143 Mass. 172.

TEST BY LACTOMETER. In order to show that milk was adulterated when the test had been made by the use of a lactometer it is not necessary to offer evidence as to the character of the instrument. *Com. vs. Nicholas*, 10 Allen (Mass.) 199.

COMPETENCY OF EVIDENCE. HOW DETERMINED. In the absence of statutory provisions covering the taking of milk analyzed the rules determining the competency of evidence shall be according to the Common Law. The evidence of a person who has analyzed the milk and who is shown to have sufficient skill to analyze milk, is admissible. *Com. vs. Hoit*, 146 Mass. 38.

CERTIFICATE. A certificate of analysis of milk by an inspector is admissible in evidence, provided the inspector testifies at the trial to the same facts as stated in the certificate. The admission of the certificate as evidence before an inspector testifies is not a ground for a new trial. *Com. vs. Waite*, 11 Allen (Mass.) 264.

EVIDENCE. The evidence showed that at an early hour in the morning the defendant's wagon was upon a public street, and that it contained several cans, from which a collector of samples in the employ of the milk inspector took a sample of milk from a can not marked "skimmed milk;"

that an analysis of the milk so taken showed it to be below the legal standard; such evidence is sufficient to show an intent to sell the milk contained in the wagon. *Com. vs. Smith*, 142 Mass. 169.

AVERMENT OF QUALITY. Where the law requires a record of analysis be made and preserved as evidence and a certificate of such analysis sworn to by the analyst is made admissible in evidence against a defendant an averment that the analysis showed that the milk was not of standard quality was held to be sufficient. *Com. vs. Lapham*, 156 Mass. 480.

EVIDENCE. Testimony that the defendant was on a wagon which had a license and contained milk cans in one of which was adulterated milk, is competent evidence to show that he was in possession of adulterated milk with intent to sell it. *Com. vs. Rowell*, 146 Mass. 128.

SALE. To sustain a conviction under the statute of 1886 it is sufficient to show that a glass of adulterated milk was sold on the premises. *Com. vs. Vieth*, 155 Mass. 442; *Com. vs. Warren*, 160 Mass. 533.

MILK. Statutes which provide "whoever sells or keeps or offers for sale adulterated milk, or milk to which water or other foreign substance has been added" throw the risk upon the seller of knowing that the milk which he keeps and offers for sale is pure and unadulterated. Under an indictment for violation of such statutes allegation of proof of criminal intent is unnecessary. *Com. vs. Farren*, 9 Allen (Mass.) 489; *Com. vs. Nichols*, 10 Allen (Mass.) 199; *Com. vs. Waite*, 11 Allen (Mass.) 264; *Com. vs. Smith*, 103 Mass. 444; *Com. vs. Warren*, 160 Mass. 533; *Com. vs. Vieth*, 155 Mass. 442. But see *Com. vs. Evans*, 132 Mass. 11.

ADULTERATION. It is necessary to show in a prosecution of a person having in his possession milk adulterated with water, the admixture of foreign articles. *Com. vs. Luscomb*, 130 Mass. 42.

WATERED MILK. If it is shown that watered milk was sold as skimmed milk it is a good defense to a prosecution for selling adulterated milk. *Com. vs. Tobias*, 141 Mass. 129.

SKIMMED MILK. It is not necessary that the buyer of skimmed milk know it to be such, provided the vessel containing it is only duly marked. *Com. vs. Smith*, 149 Mass. 9.

WATER ADDED TO SKIMMED MILK. It is an offense to sell skimmed milk to which water has been added. *Com. vs. Wetherbee*, 153 Mass. 159.

MILK. RESPONSIBILITY FOR ACT OF SERVANT. If a servant, in the course of his employment sell adulterated or inferior milk, or imitation butter, or a sale by the master of such adulterated or inferior milk or imitation butter made by the servant without his knowledge, the master is criminally liable. *Com. vs. Gray*, 150 Mass.

327; *Com. vs. Warren*, 160 Mass. 533; *Com. vs. Vieth*, 155 Mass. 442.

MASTER'S LIABILITY. MILK. Possession of adulterated milk by servant is possession by the master, and he may be prosecuted for having the same. *Com. vs. Proctor*, 165 Mass. 38.

RESTAURANT KEEPERS. NOTICE. The law requiring restaurant keepers to furnish their guests with notice that oleomargarine or butterine is used instead of butter is not complied with by hanging up a sign reading "Butterine used only here," nor by having the words "Only fine butterine used here" printed on the bill of fare, if the guest does not read the sign or examine the bill of fare. *Com. vs. Stewart*, 159 Mass. 113.

VALIDITY (OLEOMARGARINE LAW). The legislature has power to pass laws to regulate the sale of oleomargarine. *Com. vs. Huntley*, 156 Mass. 236.

LICENSE TO SELL. Oleomargarine and butterine come within the meaning of the statute which provides that persons may carry and expose for sale fruits, provisions, etc., without a license. They are held to be provisions. *Com. vs. Lutton*, 157 Mass. 392.

SAMPLES. Where the defendant is charged with exposing for sale oleomargarine in imitation of butter and it is shown that he had oleomargarine in imitation of butter in his store, but kept it so that it could not be seen by customers, it is held that such facts shown are insufficient to support a conviction, and that they do not constitute an exposure for sale within the meaning of the statute. *Com. vs. Byrnes*, 158 Mass. 172.

SAMPLES. ILLEGAL TAKING. Even though a sample is taken from the defendant in an illegal manner, it is admissible as evidence in a prosecution for exposing for sale oleomargarine in imitation of butter. *Com. vs. Byrnes*, 158 Mass. 172.

OLEOMARGARINE LAW (CONSTRUCTION). A statute which provides that on "both sides of" a wagon selling oleomargarine there shall be "a placard in uncondensed gothic letters, not less than three inches in length 'Licensed to sell oleomargarine;'" is not complied with by putting the placard on the inside of a covered vehicle. *Com. vs. Crane*, 157 Mass. 218.

CRIMINAL INTENTION NEED NOT BE SHOWN. It is unnecessary in a prosecution for selling oleomargarine without giving the purchaser express notice that it is such, to show a criminal intention. *Com. vs. Gray*, 150 Mass. 327.

LABEL LAW. Held not to be a violation of the law, requiring the top and bottom of a package in which butterine is sold to be plainly so marked to sell from such a package when the cover has been temporarily removed. *Com. vs. Bean*, 140 Mass. 172.

YEAR IN AND OUT

Rose has been ... ever since
Coye was appointed to the position of col-

**Can You Use
A Strong
Sturdy Set of
BRAINS?
EAT
Grape-Nuts**

A MAN SAID.

"I don't believe you can arrange food so that it will go to rebuild and nourish the brain. Grape-Nuts is a most delightful tasting food, but I can't understand how you expect any certain food to be appropriated by any certain part of the body."

A good, honest skeptic and well worth attention.

Actual results are better than any theory pro or con. Grape-Nuts are being eaten by millions of Americans and any interested person in any city of America can satisfy himself by questioning his neighbor as to the result of the use of Grape-Nuts.

The testimony is given over and over that after 10 days use there comes a feeling of strength, sturdiness, clearness of intellect and power of the mind that is unmistakable.

There is a reason.

Thinking uses up each day parts of the filling of the cells in brain and nature demands albumen and natural phosphate of potash (not from the drug store) to make new the soft jelly-like substance which is used as the filling of these brain cells.

Grape-Nuts contain these elements direct from Mother Nature and prepared in the form of a most delicious and dainty food, practically pre-digested and quickly absorbed into the system.

The hard stubborn facts are that Grape-Nuts do build brains.

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WE TALK

through the daily
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to 80 Million
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BATTLE CREEK, MICH.



W. B. SNOW,
Michigan State Dairy and Food Com-
missioner.



PERLEY C. HEALD,
Deputy Michigan Dairy and Food Com-
missioner.



R. E. DOOLITTLE,
Michigan State Analyst.

MICHIGAN DAIRY AND FOOD COMMISSION.



THE PURE FOOD PRODUCTS

PREPARED BY

THE
WILLIAMS BROS.

COMPANY

PICKLERS AND PRESERVERS,

DETROIT, MICH.,

ARE THE BEST

NOT ONLY

BEST IN QUALITY

BUT THE

BIGGEST VALUE for the Money



FOR SALE BY

WHOLESALE GROCERS

EVERYWHERE



PURE FOOD LAWS OF MICHIGAN.

The Pure Food Laws of the State of Michigan are administered by a State Dairy and Food Commissioner appointed by the governor, with the consent of the Senate, for the term of two years, at a salary of \$2,000 per annum. The Commissioner shall appoint a Deputy Commissioner. He shall also have power to appoint not to exceed two clerks for the transaction of his business, and six inspectors, who shall hold office during the pleasure of the commissioner. He may also appoint a competent person to be State Analyst, and an Assistant State Analyst. The present Dairy and Food Commission of the State of Michigan consists of the following members:

W. B. Snow, Commissioner.

Perley C. Heald, Deputy Commissioner.

R. E. Doolittle, State Analyst.

L. H. Van Wormer, Assistant State Analyst.

A digest of the Dairy and Food Laws is as follows:

(C. L. 4973) Sec. 1. Provides that the Governor shall, with the consent of the Senate, appoint a Dairy and Food Commissioner every two years, and creates said office.

(C. L. 4974) Sec. 2. The Governor has power to remove such commissioner, but his reasons therefor shall be laid before the Senate at the next special or regular session. In case of vacancy the Governor may appoint another person to fill same.

(C. L. 4975) Sec. 3. Provides oath of office for the Commissioner, with bond in the sum of \$10,000, to be approved by the Governor.

(C. L. 4976) Sec. 4. As amended by S. B. No. 532 of the last legislature, provides that the salaries authorized by this section shall be payable monthly on the warrant of the Auditor General. That the commissioner's salary shall be \$2,000 per annum; the deputy commissioner's, \$1,500; of each clerk not to exceed \$720, and of each inspector not exceeding \$3 per day. To the above salaries are added necessary expenses. The Commissioner shall, with the consent of the Governor, appoint a deputy commissioner, to hold office during the Commissioner's pleasure. The Commissioner may appoint not to exceed two clerks for his office. He may also appoint not to exceed six inspectors to hold office during his pleasure. Such inspectors have the same right of access to places to be inspected as the Commissioner or deputy. Provides for bonds in the sum of \$5,000 each for the deputy commissioner and inspectors for the performance of their respective duties. Provides for office room, necessary fur-

niture, fixtures, etc., for said commissioner's business, and that said office shall remain in the city of Lansing.

Sec. 5. As amended by the above bill provides the Commissioner shall appoint a competent person to be State Analyst, who shall be a practical analytical chemist. Said Commissioner may appoint an assistant state analyst. Their term of office shall be at the pleasure of the Commissioner. Provides for a room in connection with the Dairy and Food Commission for the laboratory of the state analyst and assistant. The salary of the chemist shall be \$1,500; the assistant chemist, \$1,000, and actual expenses in both cases in the performance of their duties. Provides an amount not exceeding \$500 for chemical supplies.

Sec. 6. It shall be the duty of the Dairy and Food Commissioner to inquire into the quality of dairy food and drink products, and articles which are foods or necessary constituents of foods, manufactured, sold, exposed or offered for sale in this state. He may procure samples and direct the state analyst to make examination of same and report to the commissioner the result thereof. If such article is adulterated, impure, unwholesome or made in contravention of this act the commissioner shall make complaint against the manufacturer or vendor thereof and furnish evidence to obtain a conviction thereof in the proper county. When complaint is made by the commissioner or his deputy security for costs shall not be required. They shall have power to enter any creamery, factory, store, salesroom, drug store or laboratory or place where they have reason to believe food or drink are made, prepared, sold or offered for sale, and open any cask, tub, jar, bottle or package containing any article of food or drink and examine the contents thereof and take samples for analysis. Such sample shall be taken in the presence of at least one witness, and in such presence be marked or sealed and the value thereof tendered to the person from whom taken with a written statement why said sample was taken.

Sec. 7. Provides that each prosecuting attorney shall render legal assistance to enforce these laws.

(C. L. 4980) Sec. 8. It is unlawful for the state analyst to furnish any person a certificate as to the purity or excellence of any article of food product manufactured or sold by them.

Sec. 9. Provides that the Commissioner shall make a report to the Governor covering the doings of his office, showing the number of



MALTA-VITA

"THE PERFECT FOOD"

For BRAIN and MUSCLE

PURE, PALATABLE, POPULAR

Millions are eating MALTA-VITA, "the perfect food."

MALTA-VITA is the vital, the life-giving food; the invigorator of Brain and Body.

MALTA-VITA is rich in phosphates, or brain food: MALTA-VITA is the original and only perfectly cooked, thoroughly malted, flaked, and toasted whole wheat food.

MALTA-VITA contains all the gluten of the whole wheat, and is the peer of all prepared foods as a bone and muscle builder.

PERFECT HEALTH IS SUSTAINED BY A PERFECT FOOD

MALTA-VITA, "the perfect food," eaten for breakfast and supper, insures perfect digestion and removes all cause of insomnia and dyspepsia. 90 per cent of the ills of life are due to poor digestion. Perfect health, sound restful sleep, clear complexion, bright eyes, clean, white teeth, sweet breath, are the blessings that follow a regular diet of Malta-Vita.

BEWARE OF IMITATIONS. Insist on getting MALTA-VITA, "the perfect food." Requires no cooking — always ready to eat.

MALTA-VITA with cream, MALTA-VITA with milk and sugar to taste, MALTA-VITA with fruit, all delightful dishes.

MALTA-VITA is so prepared as to be easily digested and assimilated by old and young, sick or well. Large packages at your grocers.

MALTA-VITA PURE FOOD CO.

BATTLE CREEK, MICH.

TORONTO, CANADA

manufactories and other places inspected, the number of food articles analyzed and the state analyst's report upon each; number of complaints for violations of these laws; number of convictions; amount of fines imposed, and such recommendations relative to statutes in force as his experience may justify, provides for the printing and distributing to all the papers of the state, and persons interested, a monthly bulletin, containing results of inspection and analyses made by the state analyst, and such other information relating to the adulteration of food and drink products as he may deem of benefit to the public. Also a summary of the work of his office, but not more than 10,000 copies of such bulletins shall be printed monthly.

(C. L. 4982) Sec. 10. Any person who hinders or obstructs the commissioner or his deputy or person authorized by him in the performance of their duty shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$100, or imprisoned not less than 10 nor more than 90 days, or both.

Sec. 11. As amended by S. B. 532 of the last legislature, appropriates \$25,000 for each fiscal year ending June 30th, for the Food Commission, out of which is to be paid salaries, expenses and chemical supplies. Expenses for stationery, printing, etc., to be paid as other state printing, etc.

Sec. 12. As amended by the above bill provides that the sum of \$26,500 for the year 1901, and \$25,000 for the year 1902, shall be incorporated in the state tax and credited to the general fund for money appropriated by this act.

Sec. 1. Act No. 167, 1899. Any person obstructing the commissioner or his deputy or person authorized by him by refusing to allow them entrance to any place in the discharge of their official duties, or refusing to deliver to them a sufficient sample for analysis of any article of food or drink sold, offered or exposed for sale, or possessed with intent to sell, whereof same may be found, when value thereof is tendered, shall be guilty of a misdemeanor and fined not less than \$25 nor more than \$100, or imprisoned not less than 10 nor more than 90 days, or both, for each offense.

ADULTERATED FOOD.

(C. L. 5010) Sec. 1. No person shall within this state manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food which is adulterated within the meaning of this act.

(C. L. 5011) Sec. 2. The term "food," as used herein, shall include all articles used for food or drink, or intended to be eaten or drunk by man, whether simple, mixed or compound.

(C. L. 5012) Sec. 3. An article shall be deemed to be adulterated within the meaning of this act: *First.* If any substance has been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity. *Second.* If any inferior or cheaper substance has been substituted wholly or in part for it. *Third.* If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. *Fourth.* If it is an imitation of, or sold under the name of another article. *Fifth.* If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal. *Sixth.* If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if made to appear better or of greater value than it really is. *Seventh.* If it contains any added substance or ingredient which is poisonous or injurious to health: *Provided,* That nothing in this act shall prevent the coloring of pure butter: *Provided, further,* That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of food, if each and every package sold or offered for sale bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner to plainly and correctly show that it is a mixture or compound, and is not in violation of definitions fourth and seventh of this section.

IMITATION BUTTER.

(C. L. 5013) Sec. 4. No person by himself or agent shall manufacture for sale, or offer or expose for sale, as butter, the legitimate product of the dairy, any article not made exclusively of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part and has been introduced to take the place of cream. A violation hereof is punishable by a fine not less than \$50 nor more than \$500 and costs, or by imprisonment in the county jail or State House of Correction and Reformation not less than 90 days nor more than two years, or both.

CHEESE.

(C. L. 5014) Sec. 5. Prohibits the manufacturing or dealing in any article or substance resembling or in imitation of cheese made exclusively of unadulterated milk or cream, into which animal, intestinal or offal fats or oils, or melted butter in any condition or state, or oleaginous substance of any kind not produced from unadulterated milk or cream shall have been introduced. Imposes punishment for a violation hereof as in the last section.

AMERICAN HULLED BEANS

"ALL the BEAN but the ARMOR PLATE."

A New and Novel Industry.

An old and standard food relieved of the indigestible woody hull.

Hulled beans cook in *thirty minutes*, bake in *two hours*; beans with the hulls on should be cooked at least *four hours*. Hulled Beans are sold in package form, perfectly clean, ready for immediate cooking. Delicious for *soup, boiling or baking*.

Hulled Beans can be eaten and digested by the most delicate system. The hull of the bean is absolutely indigestible by man or beast; is composed of cellulose and woody fibre, and should not be eaten.

"The hull of the bean killed more men than bullets," so say the soldiers of the Civil War.



AMERICAN HULLED BEAN CO.,

BATTLE CREEK, MICHIGAN.

(C. L. 5015) Sec. 6. Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "Full milk cheese." No person shall use such brand on cheese from milk from which any cream has been taken. Every cheese factory, creamery or butter factory, where milk or cream is purchased of or contributed by three or more persons shall be registered with the location thereof and name of the owner or manager with the Dairy and Food Commissioner on or before the 1st day of April each year. A violation hereof is punishable by fine of not less than \$5 nor more than \$25, and costs, or imprisonment not more than 30 days, or both.

(C. L. 5016) Sec. 7. Provides that the Commissioner shall issue to the cheese manufacturers of the state a uniform stencil brand, bearing a suitable device or motto, and the words "Michigan full cream cheese." Such brand shall be used on the outside of the cheese, and upon the package containing the same, and bear a separate number for each separate factory. The commissioner shall keep a book in which shall be registered the name, location and number of each factory using said brand, and names of persons at each factory authorized to use same. No such brand shall be used on other than full cream cheese. The commissioner shall receive \$1 for each registration from the party applying for same to be used as a part of the Pure Food Fund.

(C. L. 5017) Sec. 8. No person shall knowingly offer, sell or expose for sale, in any package, cheese which is falsely branded or labeled.

LARD.

(C. L. 5018) Sec. 9. No person shall manufacture for sale or possess with intent to sell, offer or expose for sale, as lard, any substance not the legitimate product of the fat of the hog.

(C. L. 5019) Sec. 10. Prohibits the manufacturing for sale, exposing for sale, or selling any substance made in semblance of lard, or as an imitation of lard, which consists of any mixture or compound of animal or vegetable oils, or fats other than hog fat, in the form of lard, unless every tierce, barrel, tub, pail or package containing same be distinctly branded or labeled "Lard substitute or compound," and every person manufacturing for sale, selling or possessing with intent to sell, any such substance in imitation of lard, or as a substitute for lard, designed to take the place of lard, consisting of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing same to be distinctly and legibly branded or labeled either "Adulterated lard," "Lard compound," or "Lard substitute." Such

brands or letters shall be in letters not less than one inch in length and shall be followed with the name of the maker and factory, and location of same.

(C. L. 5020) Sec. 11. Every person who offers or exposes for sale, or sells any form of lard substitute or adulterated lard as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length the words "Lard substitute" or "Adulterated lard" or "Lard compound," or other appropriate name which shall correctly express its nature and use.

(C. L. 5021) Sec. 12. The possession of any lard substitute or adulterated lard or lard compound, as hereinbefore defined, not branded or labeled as required and directed, upon the part of any dealer or person engaged in public sale thereof, shall for the purpose of this act be deemed *prima facie* evidence of intent to sell same.

JELLIES.

(C. L. 5022) Sec. 13. Prohibits the manufacture for sale, selling, offering or exposing for sale, as fruit jelly or fruit butter, any jelly or imitation fruit butter or similar compound made or compounded in whole or in part of glucose, dextrine, starch, or other substances, and colored in imitation of fruit jelly or fruit butter; nor shall any such jelly, fruit butter or compound be manufactured or sold under any name or designation whatever unless the same shall be composed entirely of ingredients not injurious to health and not colored in imitation of fruit jelly, and every can, pail or package of such jelly or butter sold in this state shall be distinctly and durably labeled "Imitation fruit jelly or butter," with the place where made and name of manufacturer. A violation of this section is punishable by a fine of not less than \$50 nor more than \$500, or imprisonment not less than 90 days nor more than two years, or both.

PRESERVED FRUITS, ETC.

(C. L. 5023) Sec. 14. No packer or dealer in preserved or canned fruits, vegetables or other articles of food, shall sell or offer for sale such canned articles unless such articles shall be entirely free from substances or ingredients deleterious to health, and bear a mark, stamp, label or brand with the name and address of the person that packs same. All "soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "Soaked or bleached goods," in letters not less than two-line pica in size, showing the



The Newest Nutriment

In making breakfast foods, as in all other things, progress counts. The last new food has the advantage of the mistakes and the successes of all others.

Norka is the **only** thoroughly cooked and malted Oat food manufactured.

It is a brain food which has a crisp, dainty, appetizing flavor, which never palls on the appetite, which supplies all the necessary elements to body building, and which can be served at a moment's notice in a hundred different dainty ways, for it's

THOROUGHLY COOKED.

Nothing you can put on your pantry shelf will be more worth while.

15 cents for a full pound package at your grocer's, and a pound goes farther if it is

NORKA, THE READY TO SERVE OAT Food

BECAUSE IT IS MORE VITALLY NUTRITIOUS.

Norka is the only grain food which is sealed in an air-tight, damp-proof, paraffine wrapper with a patent clasp. This preserves the contents in their original purity and freshness. Norka stays fresh as long as the package is unopened.

THE NORKA FOOD COMPANY, Ltd.
BATTLE CREEK, MICH.



MALT-TOO FLAKES.

The Food That Makes Battle Creek Famous.

MALT-TOO FLAKES, having been thoroughly sterilized and twice cooked, makes it a predigested food, ready to eat at any time, served with cream, fruit or fruit juices; add a little sugar if desired.

Our process enables us to concentrate and maintain all of the gluten, albumen and phosphates of the grain, making it a perfect hygienic food, a most beneficial diet for children, convalescents and persons with weak stomachs. It builds up the waste tissue, makes strong, athletic muscles, and imparts new life to the nerve forces.

MALT-TOO FLAKES are an ideal summer diet for all classes of people, from infancy to old age, for the delicate child and the woman, the working man, the professional man, the poor man, and the capitalist. Everybody likes it and it benefits everybody. Its daily use produces astonishing results in the increase of health, strength and vigor, mentally and physically. Look for the diamonds on the package.

Malt-Too Flake Food Co., Ltd.

BATTLE CREEK, MICHIGAN.

name of the article and name and address of the packer.

COFFEE, SYRUP, ETC.

(C. L. 5024) Sec. 15. Prohibits the sale or offer for sale of manufactured or artificial coffee in imitation of the genuine berry. No person shall manufacture, sell, offer or expose for sale any ground or prepared coffee, which is adulterated with chicory or other substance not injurious to health, unless each package shall be distinctly labeled or marked "Coffee compound," with the name and address of the manufacturer, and contain no other label. No person shall offer or expose for sale, or possess with intent to sell, or sell any molasses, syrup or glucose, unless the barrel, cask, keg, can or pail containing same be distinctly branded or labeled with its true and appropriate name; nor shall any person offer or expose for sale, possess with intent to sell, or sell any molasses or syrup mixed with glucose, unless the barrel, cask, keg or pail containing same be distinctly branded or labeled "Glucose mixture," and the percent in which glucose enters into its composition. Such barrel, cask, keg or pail shall be branded or labeled in a conspicuous place, and such brands or labels shall be in letters not less than one-half inch in length. Glucose and glucose mixtures shall have no other designation than herein required.

LIQUOR.

(C. L. 5025) Sec. 16. No person shall manufacture, brew, distil, offer for sale or sell any spirituous or fermented or malt liquors, containing any substance or ingredient not normal or healthful to exist in such liquors, or detrimental to health when such liquors are used as a beverage.

Sec. 17. The taking of orders or making of agreements or contracts for the future delivery of any of the articles embraced within the provisions of this act shall be deemed a sale within the meaning of this act.

LABELS.

Sec. 18. Whoever shall falsely brand, mark, stencil or label any article required by this act to be branded, marked, etc., or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and punished by a fine not less than \$100 nor more than \$1,000, or imprisoned not less than six months nor more than three years, or both, for each offense.

Sec. 19. Whoever violates the provisions of this act shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act punished by a fine of not less than \$25 nor more than \$500, or imprisoned not more than 90 days, or both.

Sec. 20. It shall be the duty of the Dairy and Food Commissioner of the state to investigate all complaints of violations of this act, and take steps necessary to its enforcement. All prosecuting officers of the state shall prosecute to completion all suits brought under the provisions of this act upon complaint of commissioner or any citizen. All food inspectors in cities shall examine all complaints made to them of violations of this act, and assist in enforcing its provisions. All health boards in cities and health officers in townships shall take cognizance of and report or prosecute all violations of this act coming to their notice within their jurisdiction.

Sec. 21. Repeals all acts inconsistent herewith.

BUCKWHEAT FLOUR.

(C. L. 4994) Sec. 1. No person shall manufacture for sale, possess with intent to sell, offer or expose for sale or sell as buckwheat flour any adulterated substance resembling buckwheat flour which consists of any mixture or compound of mixtures other than buckwheat flour, except as provided in this act.

(C. L. 4995) Sec. 2. Buckwheat flour shall be deemed adulterated within the meaning of this act, *first*, if any substance has been mixed with it so as to lower, depreciate or injuriously affect its quality, strength or purity; *second*, if an inferior or cheaper substance has been substituted wholly or in part for it; *third*, if any valuable constituent or ingredient has been wholly or in part abstracted from it; *fourth*, if it is sold under the name of another article; *fifth*, if it contains any added substance or ingredient which is poisonous or injurious to health.

(C. L. 4996) Sec. 3. Prohibits the manufacture, sale or possession with intent to sell any substance resembling or as an imitation for buckwheat flour, consisting of any mixture or compound other than pure buckwheat flour, unless the barrel, package or pail containing same be distinctly and legibly branded or labeled "Buckwheat Substitute" or "Compound." Every person who exposes for sale, possesses with intent to sell, or sells any such substance as an imitation for buckwheat flour, which consists of any mixture or compound of buckwheat flour with middlings or other compound, shall cause the barrel, package or pail containing same to be distinctly branded either "Adulterated Buckwheat Compound" or "Buckwheat Substitute," such brands or labels shall be in letters not less than one inch in length, followed with name of the maker and factory and location of factory.

(C. L. 4997) Sec. 4. Prohibits the sale, offering or exposing for sale, any form of buck-

wheat flour substitute as hereinbefore defined, unless there is affixed to the package wherein the same is sold, exposed or offered for sale, a label upon the outside and face of which is distinctly printed in letters not less than one inch in length the words "Buckwheat Flour Substitute" or "Adulterated Buckwheat Flour" or "Buckwheat Flour Compound."

(C. L. 4998) Sec. 5. Possession of buckwheat flour substitute or compound, as hereinbefore defined, not branded or labeled, as hereinbefore required and directed upon the part of any dealer or person engaged in public or private sale of such article shall be deemed *prima facie* evidence of intent to sell same.

(C. L. 4999) Sec. 6. The taking of orders or making of agreements for the future delivery of buckwheat flour shall be deemed a sale within the meaning of this act.

Sec. 7. Whoever shall falsely brand, mark or stencil or label any barrel, package or pail of buckwheat flour, or remove, alter, deface or counterfeit any brand, mark, stencil or label so required shall be guilty of a misdemeanor and punished by a fine not less than \$25 nor more than \$100 and costs, or imprisoned not less than 30 days nor more than 90 days, or both.

Sec. 8. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and where no penalty is prescribed by this act punished by a fine not less than \$25 nor more than \$100, or imprisoned not less than 30 nor more than 90 days, or both.

(C. L. 5002) Sec. 9. Prescribes the duty of the State Dairy and Food Commissioner and other officers as in (C. L. 5029) Sec. 20.

Sec. 10. Repeals all acts inconsistent herewith.

VINEGAR.

(C. L. 5003) Section 1. Prohibits the manufacture, sale, offer or exposing for sale or possessing with intent to sell or deliver any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar which is not the legitimate product of pure apple juice known as apple cider or vinegar, not made exclusively of apple cider or vinegar, into which foreign substance, drugs or acids have been introduced, and upon test shall contain not less than $1\frac{3}{4}$ per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 2. All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar" with the name of the fruit or substance from which same is made. All vinegar made wholly or in part from distilled liquor shall be branded

"distilled vinegar," and such vinegar shall be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation. All fermented vinegar not distilled shall contain not less than $1\frac{3}{4}$ per cent by weight upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and shall contain not less than two and one-half tenths of 1 per cent ash or mineral matter, same being the product of the material from which said vinegar is manufactured. All vinegar shall be made wholly from the fruit or grain from which it purports to be made, and contain no foreign substance, and contain not less than 4 per cent by weight of absolute acetic acid.

Sec. 3. No person shall manufacture for sale, offer for sale or possess with intent to sell any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or ingredients injurious to health. All packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel or keg containing such vinegar with the name and residence of the manufacturer together with brand required in section 2 hereof.

Sec. 4. A violation of this act is punishable by fine not less than \$50 nor more than \$100 or imprisonment not to exceed 90 days and costs, or both.

Sec. 5. Repeals all acts inconsistent herewith.

MILK.

(C. L. 11411) Sec. 1. Provides whoever shall knowingly sell to any person or sell or bring to be manufactured to any cheese or butter factory, any milk diluted with water or in any way adulterated or from which any cream has been taken or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings" with intent to defraud, or knowingly sell milk, the product of a sick or a diseased animal, or milk produced from any cow fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk or knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, or sell or offer to sell cheese or butter in the manufacture of which any poisonous or deleterious substance has been used shall be deemed guilty of a misdemeanor and fined not less than \$10 nor more than \$100, and may be committed to the county jail until such fine shall be paid: *Provided*, such imprisonment shall not exceed 90 days; and shall be liable in double the amount of damages to the person upon whom such fraud shall have been committed. Repeals an

act entitled "an act to prevent the adulteration of milk and etc.," approved March 31st, 1871. Provided, any right accrued or forfeiture incurred under said act shall remain valid and may be enforced under said act.

(C. L. 11412) Sec. 1. It shall be unlawful for any person to sell or expose for sale any unwholesome, watered, adulterated or impure milk, or sweet milk, or milk from cows kept upon garbage, swill, or any substance in a state of fermentation or putrefaction or other deleterious substance or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to milk is an adulteration.

Sec. 2. A violation of the preceding section is punishable by fine not to exceed \$100 or imprisonment not to exceed three months, or both.

(C. L. 11417) Sec. 6. Every quantity of milk sold or exposed for sale contrary to the provisions of this act shall constitute a separate offense.

Sec. 7. Any person refusing to permit an inspector or his assistants to perform his duty under this act by refusing him entrance to his premises or by concealing milk or not permitting any milk or animals or premises wherein animals are kept to be inspected as herein provided or otherwise resisting said Inspector or Assistant in the performance of his duty shall be guilty of a misdemeanor and punished therefor.

Sec. 8. Gives authority to the Common Council of any city and the Board of Trustees or Council of any village to appoint an inspector of milk in any such city or village and fix their compensation. Said inspectors shall have all powers given by section 4 of this act and perform all duties required of inspectors of milk as provided herein and such other powers and duties as may be conferred or imposed by the ordinances of said cities or villages.

Sec. 9. Prohibits the adulteration, sale or exchange, exposure or possession with intent to sell or exchange adulterated milk or milk to which water or any foreign substance in any state of fermentation or putrefaction or from sick or diseased cows. Such offense is a misdemeanor, punishable by a fine not exceeding \$100 or imprisonment not exceeding three (3) months.

Sec. 10. Prohibits the adulteration, sale, exchange or possession with intent to sell or exchange or exposing or offering for sale as pure milk, any skimmed milk from which the cream or any part thereof has been removed. Such offense is a misdemeanor punishable as in the preceding section.

Sec. 11. Prohibits the sale, exchange, or possession with intent to sell or exchange milk from which the cream or any part thereof has been taken, unless in a conspicuous place above the center upon the outside of every vessel, can or package from which such milk is sold the words "skimmed milk" are distinctly painted in letters not less than one inch in length. A violation hereof is a misdemeanor, punishable by fine not exceeding \$100 or imprisonment not exceeding three (3) months.

Sec. 12. Any milk sold or offered for sale under the provisions of this act as pure milk shown upon analysis by weight to contain more than 87 and fifty one-hundredths per centum of watery fluid or less than 12 and fifty one-hundredths of milk solids per centum, or less fat than 3 per centum, or if the specific gravity at 60 degrees Fahrenheit is not between 1.29-1000 to 1.33-1000, it shall be deemed to be adulterated. If milk sold or offered for sale under the provisions of this act as skimmed milk has a specific gravity at 60 degrees Fahrenheit less than 1.032, and greater than 1.037, it shall be deemed to be adulterated.

Sec. 13. If any inspector of milk has reason to believe any milk is adulterated, he shall take specimens thereof and test same with such instruments as are used for such purposes, and make analysis thereof, showing total solids, percentage of butter, water and the percentage of ash; and if such analysis indicates that the milk has been adulterated or deprived of its cream, the same shall be *prima facie* evidence of such adulteration.

Sec. 14. Any person removing the cream or any part thereof from milk to be sold as pure milk to any manufactory in which milk is used as a material in the process of production; and any person who shall adulterate such milk by the addition of water or otherwise shall be guilty of a misdemeanor and punished for each offense by fine not exceeding \$100 or imprisonment not exceeding 90 days.

ACT NO. 106, LAWS OF 1899.

Section 1. No person shall offer, expose for sale, sell, exchange or possess with intent to sell or exchange any milk to which water, chemicals, preservatives, or other foreign substance has been added. The term "milk" shall include all skimmed milk, buttermilk, cream and milk in its natural state as drawn from the cow.

Sec. 2. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine of not less than \$1 nor more than \$100 and costs, or by imprisonment not more than 90 days, or both.

OLEOMARGARINE.

(Act No. 147, Laws 1899.)

Section 1. No person shall sell, expose, or offer for sale or possess with intent to sell any Oleomargarine or other substance made in imitation of butter which is intended to be used as a substitute for butter, unless each and every vessel, package, roll, or parcel of such substance has distinctly and durably printed, stamped or stenciled thereon in black letters the true name of such substance in ordinary bold faced capital letters not less than 5 line pica in size; also the name and address of the manufacturer and the name of each article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

Sec. 2. No person shall sell, exchange or deliver any Oleomargarine or substance made in imitation of butter which is intended to be used as a substitute for butter unless he shall distinctly inform the purchaser by a verbal notice at the time of sale, that the same is a substitute for butter and also deliver to the purchaser of each roll, package or parcel of such Oleomargarine or other substance at the time of delivering the same, a separate and distinct label on which is plainly and legibly printed in black ink in ordinary bold faced capital letters not less than 5 line pica in size the true name of such substance and also the name and address of the manufacturer, together with the name of each article used and entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

Sec. 3. The proprietor or keeper of any store, hotel, restaurant, eating saloons, boarding house or other place where Oleomargarine is sold or furnished to persons paying for same, shall have placed on the walls of every room where Oleomargarine is sold or furnished a white placard on which is printed in black ink in plain Roman letters not less than 3 inches in length and 2 inches in width the words "OLEOMARGARINE SOLD OR USED HERE," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by all persons entering such room.

Sec. 4. No person shall use in any way in connection with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," or the name or representation of any breed of dairy cattle or any combination of such words commonly used in the sale of butter.

Sec. 5. The word "butter" shall be understood to mean the food product usually known as butter, which is made exclusively from milk

or cream, or both, with or without any salt, and with or without additional coloring matter.

Sec. 6. For the purpose of this act, all substances heretofore known as Oleomargarine, Oleo, oleomargarine oil, butterine, lardine, suine and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral, and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and offal fat, made in imitation of butter, calculated to be sold or used as butter shall be known and designated as "OLEOMARGARINE."

Sec. 7. Whoever violates any of the provisions of this act shall be guilty of a misdemeanor and punished by a fine not less than \$50 nor more than \$500 or imprisonment not less than six months nor more than three (3) years, or both.

All acts inconsistent herewith are repealed.

IMITATION BUTTER.

AN ACT PASSED AT THE LAST LEGISLATURE.

Section 1. No person shall render or manufacture, sell or possess with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream; *Provided*. That nothing in this act shall prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Sec. 2. A violation of this act is punishable as a misdemeanor by a fine of not less than \$50 nor more than \$500, or imprisonment not less than 6 months nor more than 3 years, or both.

PROCESS BUTTER.

Act No. 254, Laws of 1899.

Section 1. No person shall within this state sell, offer or expose for sale, or possess with intent to sell, any butter not labeled in compliance with the provisions of this act. Butter produced by taking original packing stock and other butter and melting same, so that the butter oil can be drawn off, mixed with skimmed milk or other material, and by emulsion or other process produce butter, and butter produced by any similar process, commonly known as "Process" butter, shall before sale, or being

offered or exposed for sale, and while in possession of any person with intent to sell the same, be plainly labeled "Process Butter," in the manner prescribed by this act. If sold, offered or exposed for sale, or in the possession of any person with intent to sell, the prints or rolls shall be covered by wrappers, on which shall be printed in conspicuous letters the words "Process Butter." If packed in tubs or other receptacles and sold, offered or exposed for sale, or in possession of any person with intent to sell same, the said words shall be printed in one inch letters on the top and two sides of the tub or receptacle; if uncovered and not contained in a tub or other receptacle, and sold, offered or exposed for sale or possessed by any person with intent to sell, a placard containing said words shall be attached to the mass, in a manner making them plain and prominent.

Sec. 2. A violation of this act is punishable by fine of not less than \$25 nor more than \$100 and costs, including expense of inspection and analysis. *Provided*, The Dairy and Food Commissioner, deputies, agents and assistants, shall be charged with the enforcement of this act, and shall have full access to all places of business, factories, buildings, carriages, cars, vessels, barrels and packages of whatever kind, used in the manufacture and transportation and sale of any butter or adulteration or imitation thereof, manufactured, sold, or exposed for sale, or possessed with intent to sell; they shall also have power to take samples thereof for analysis, upon tendering value of said samples. Provides for payment of expenses hereunder.

Sec. 3. A violation of the provisions of this act is a misdemeanor, punishable by a fine of not more than \$100, or imprisonment not more than 30 days, or both, for the first offense; and \$100 and imprisonment for 30 days for each subsequent offense; *Provided*, fines imposed under this section shall be paid into the state treasury, and such butter held in violation hereof shall be forfeited and destroyed.

Sec. 4. Confers jurisdiction upon Justices of the Peace for violations of this act.

CANDY.

Act No. 11, Laws of 1887.

(C. L. 11409) Sec. 1. Any person manufacturing for sale, or knowingly selling or offering to sell candies or confectionaries adulterated by the admixture of terra alba, barytes, talc, or other earthly mineral substances, or poisonous colors, flavors or extracts, or other ingredients deleterious to health, shall be punished by a fine of not less than \$10 nor more than \$100, or imprisoned not less than 10 nor more than 30 days, or both.

Sec. 2. Local health officers and boards of health shall investigate complaints brought before them supported by affidavit of the party complaining of adulteration or sale of adulterated candies or confectionaries. If such investigation show reasonable cause for action, such officers or boards shall give notice to the prosecuting attorney of the county wherein complaint is made, and cause a formal complaint, duly verified, to be made before the proper officer, and said attorney shall immediately commence proceedings against the person offending.

LIQUORS.

Extract from Act. No. 313, Laws of 1887.

(C. L. 5403) Sec. 25. If any person shall adulterate any spirituous or alcoholic liquors used or intended for drink by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell any wine, or spirituous, or alcoholic liquors, or import into this state any wine or spirituous or intoxicating liquors, and shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask or vessel containing same, not branded as hereinafter provided, shall be guilty of a misdemeanor and punished by a fine of not exceeding \$500 nor less than \$50, and shall be imprisoned not more than six months nor less than 10 days.

Sec. 26. It shall be the duty of every person engaged in the manufacture and sale of malt, spirituous or alcoholic liquors, or in rectifying or preparing the same, to brand on each barrel, cask, or vessel containing same, the name of the party rectifying or preparing or manufacturing same, and also these words, "Pure and without drugs or poison."

Sec. 27. No person shall sell at wholesale or retail any ale, rum, wine, or other malt or spirituous liquors from any barrel, cask or vessel unless the same shall have been branded and marked as aforesaid.

Sec. 28. The possession of any barrel, cask or vessel containing any drugged or poisoned liquor, shall be deemed *prima facie* evidence of a violation of the provisions of this act.

Sec. 29. Any person who shall put into any barrel, cask or vessel, branded or marked as required by this act, any liquors drugged or adulterated as aforesaid, or sell or offer for sale any such liquors, for the purpose of deceiving any person in the sale thereof, or violate any of the provisions of sections 26, 27 or 28 of this act, shall be guilty of a misdemeanor and punished as provided in section 25 of this act.

Sec. 30. The provisions of this act shall not be construed to prevent druggists, physicians and persons engaged in the mechanical arts from compounding liquors for medicinal and mechanical purposes.

BLACK PEPPER.

AN ACT PASSED AT THE LAST LEGISLATURE.

Section 1. No person shall manufacture, offer or expose for sale, or possess with intent to sell, any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than $6\frac{1}{2}$ per cent ash or mineral matter; and shall contain not less than 25 per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fibre.

Sec. 2. A violation of this act is a misdemeanor, punishable by a fine of not less than \$25 nor more than \$500 and costs, or imprisonment not more than 90 days, or both.

DIGEST AND RULINGS.

The following is but a brief synopsis of the Dairy and Food Laws. The Digest and Rulings cover but a portion of the food and drink products affected by the statutes. Every article of food and drink comes within the law's regulation, and dealers are advised to examine the laws carefully and inform themselves fully.

IN GENERAL.

No person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food or drink which is adulterated.

The taking of orders, or the making of agreements or contracts, by any person, firm, or corporation, or by any agent or representative thereof, for the future delivery of any of the articles, products, goods, wares or merchandise embraced within the provisions of this act is deemed a sale.

Under this statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

BAKING POWDERS.—All packages containing same must bear name and address of the manufacturer. Can be sold without formula, but if labeled cream of tartar, phosphate powder, etc., must be true to name.

BUCKWHEAT FLOUR.—If labeled "Buckwheat Flour" must be true to name. Can be mixed

with substances not injurious to health if labeled "Buckwheat Flour Compound," "Buckwheat Flour Substitute," or "Adulterated Buckwheat Flour," in letters not less than one inch in length, followed by the name and address of the maker. Buckwheat flour containing no other ingredients but for leavening and seasoning purposes may be sold if labeled "Self-rising Buckwheat Flour."

BUTTER.—Must be made exclusively of milk or cream. May be colored with coloring matter not injurious to health. Butter factories where milk or cream is purchased of or contributed by three or more persons must register with the department on or before April 1 of each year.

Process butter must be labeled as such. See ruling under head of Process Butter.

CANDY.—Must not contain terra alba, barytes, talc. or other earthly or mineral substances, or any poisonous colors or flavors, or ingredients detrimental to health.

CATSUP.—All packages containing same must bear the name and address of the manufacturer. Must contain no ingredients injurious to health.

CHEESE.—Must be made exclusively of milk or cream. Only cheese made from milk from which no cream has been taken can be sold as or branded "Full Cream Cheese," or "Full Milk Cheese." Cheese factories where milk or cheese is purchased of or contributed by three or more persons must register with the department on or before April 1 of each year. Authorized brands bearing the words "Michigan Full Cream Cheese" may be obtained from the department upon payment of fee of one dollar.

COFFEE.—If sold as such must be true to name. May be mixed with chicory, or other substances not injurious to health, if marked or labeled "Coffee Compound," together with the name and address of the manufacturer or compounder, and have no other label of whatever name or designation. This applies to all packages containing such coffee whether put up for immediate delivery or for stock purposes.

COFFEE SUBSTITUTE.—Mixtures of cereals or other articles sold as substitute for coffee, must be sold as a mixture or compound under an original or coin name and not under the name of any ingredient contained therein. All packages containing same must bear the name and address of the manufacturer or compounder thereof.

CHOCOLATES AND COCOAS.—If containing no other substances than cocoa mass, sugar and flavoring will not be classed as a compound or mixture.

CANNED GOODS.—Must bear name and address of packer. If dried before canning must

be labeled "Soaked or Bleached Goods" in letters not less than two line pica in size. The sale of peas or other vegetables greened with copper is prohibited.

CREAM OF TARTAR.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any ingredient thereof, even though it be labeled mixture or compound.

EXTRACTS, FLAVORING.—Bottles or packages containing extracts must bear the name and address of the manufacturer. Vanilla flavoring must be without artificial color. This includes all extracts of vanilla or tonka, whether mixed or simple.

Extracts made of more than one principle must be labeled with the name of each principle, or simply with the name of the inferior or adulterant. For example: An extract made from vanilla and tonka must be labeled "Extract of Vanilla and Tonka," or simply "Extract of Tonka." The labeling of an extract of vanilla and tonka as "Extract of Vanilla," or "Compound Extract of Vanilla" with the per cent of each ingredient contained therein, is not proper, and will be considered an adulteration. In all cases, it is understood that when an extract is labeled with two or more names, the type used is to be similar in size, and the name of one of the articles used it not to be given greater prominence than another. Extracts that are not made from the fruit, berry or bean, and are made artificially, such as raspberry, strawberry, pineapple, banana, etc., containing ingredients injurious to health, are prohibited.

FARINACEOUS GOODS.—Must be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca, and like articles, must be pure and unadulterated. If mixed or compounded with other articles, must be sold as a mixture or compound, under an original coin name, and not under the name of any ingredient contained therein. All packages containing mixtures or compounds of this kind must bear the name and address of the manufacturer or compounder thereof.

HONEY.—Must be pure. Cannot be mixed with glucose or other substances and sold as "Honey Compound."

JELLY.—Imitation fruit jellies, butter or other similar compounds made or composed in whole or in part of glucose, dextrine, starch or other substances, can be sold if uncolored, are not injurious, and are distinctly and durably labeled "Imitation Fruit Jelly or Butter," with the name and location of the manufacturer, and have no other label of whatever name.

LARD.—Imitation lard in manufacturers' package must be distinctly branded or labeled

either "Lard Compound," "Adulterated Lard" or "Lard Substitute," printed in letters not less than one inch in length. This also applies to smaller quantities when put up for immediate delivery.

LIQUORS.—Spirituous, fermented, or malt liquors must not contain drugs or ingredients deleterious to health. Persons engaged in manufacturing, rectifying or preparing same in any way must brand on each barrel, cask or vessel containing same, the name of the person, firm or corporation manufacturing, rectifying or preparing the same, and also the words, "Pure and Without Drugs or Poison." No person shall sell at wholesale or retail any such liquors from any barrel, cask or vessel, unless the same shall have been branded and marked as aforesaid.

MAPLE SUGAR AND MAPLE SYRUP.—Must be pure and true to name. Cannot be mixed with other sugar or syrup and sold as "Maple Sugar Compound."

MILK.—Must contain not less than 3 per cent fat and $12\frac{1}{2}$ per cent solids. Milk from which cream has been removed must be labeled and sold as "Skim Milk." The sale of milk which is impure, unwholesome or adulterated, or from cows which are diseased, or fed upon the refuse of a distillery or brewery, or upon any substance deleterious to the quality of the milk, such as garbage, swill or any substance in a state of fermentation or putrefaction, or from cows kept in connection with a family in which there is infectious disease, is prohibited. The addition of coloring matter or preservatives to milk is prohibited.

MOLASSES.—Must be branded with its true and appropriate name, and must be true to same. (See syrup.)

OLEOMARGARINE.—All compounds of animal or vegetable fats made in imitation or semblance of butter, or calculated to be used as or for butter, must be known and designated as "Oleomargarine."

The use of the name of any breed of dairy cattle, or the use of any words or symbols commonly used in the sale of butter, is forbidden in the sale, exposure for sale or advertisement of any oleomargarine.

Proprietors of any place where oleomargarine is sold or furnished must have conspicuously placed on the walls of the room where the same is sold or furnished, a white placard containing the words, "Oleomargarine Sold or Used Here," printed in black ink in plain Roman letters, not less than three inches in length or less than two inches in width. This applies to hotel, restaurant and boarding house keepers where oleomargarine is served.

All packages containing oleomargarine must be branded as such in ordinary bold-faced capital letters not less than five line pica in size, together with the name and address of the manufacturer and the name of each and every article or ingredient used or entering into its composition in ordinary bold-faced letters not less than pica in size.

Dealers must notify purchasers at the time of selling oleomargarine by verbal notice that the same is a substitute for butter, and must also deliver to the purchaser a separate and distinct label on which shall be printed in black ink in ordinary bold faced capital letters, not less than five line pica in size, the word "Oleomargarine," together with the name and address of the manufacturer and the name of each article used and entering into its composition in ordinary bold faced letters not less than pica in size. This label must be delivered in addition to the label contained on the package in which said oleomargarine is wrapped for sale. Oleomargarine must not contain artificial coloring matter.

PANCAKE FLOURS.—If containing more than one article must be sold as a mixture or compound under an original or coin name, and not under the name of any ingredient contained therein. Packages containing same must bear the name and address of the manufacturer or compounder.

PREPARED MUSTARD.—Pure mustard mixed with vinegar and spices may be sold if labeled "Prepared Mustard" and bear the name and address of the manufacturer, but if any substance or substances are added to cheapen it, such as flour, etc., it will be deemed adulterated. The label proper must contain the words "Prepared Mustard," and have no other designation than herein required. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard," or below the name and address of the manufacturer, but no printed matter of any description will be allowed above the name "Prepared Mustard."

PROCESS BUTTER.—All packages containing same sold, offered or exposed for sale, or in possession with intent to sell, must be labeled "Process Butter."

Packages put up for immediate delivery must be covered by wrappers on which must be printed in conspicuous letters the words "Process Butter."

If packed in tubs or other receptacle the words "Process Butter" must be printed in one-inch letters on the top and two sides of the same.

If uncovered and not contained in a tub or receptacle a placard containing the words "Process Butter" must be attached to the mass, in a manner making them plain and prominent.

SYRUPS.—Each barrel, cask, can, keg or pail containing molasses, syrup or glucose shall be distinctly branded or labeled with the true and appropriate name of such article. Packages containing molasses or syrup mixed with glucose shall be branded or labeled "Glucose Mixture" and the per cent in which glucose enters into its composition. All brands or labels shall be in letters of not less than one-half inch in length and shall be in a conspicuous place. Glucose and glucose mixtures shall have no other designation than herein required. Glucose mixtures must bear the name and address of the manufacturer.

SPICES.—Must be pure and true to name. Cannot be mixed or compounded with any other article and sold under the name of any ingredient thereof, even though the package be labeled mixture or compound.

VINEGARS.—All packages containing vinegar must be branded with the name and address of the manufacturer. All vinegars must contain not less than four per cent by weight of absolute acetic acid and must not contain any preparation of lead, copper, sulphuric acid, or ingredient injurious to health. All vinegars made by fermentation and oxidation must be branded "fermented vinegar," with the name of the fruit or substance from which the same is made, must be free from foreign substance and must contain not less than one and three-fourths per cent by weight of solids contained in the fruit or grain from which said vinegar is fermented, and not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor must be branded "distilled vinegar," and must be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, drugs or acids, and containing not less than one and three-fourths per cent by weight of cider vinegar solids, can be sold as apple, orchard or cider vinegar.

DECISIONS OF THE SUPREME COURT OF MICHIGAN ON FOOD LAWS.

ADULTERATION. KNOWLEDGE. Persons making sales of adulterated food, which is prohibited by statute to be sold, do so at their peril. It is within the valid exercise of the police power of a state to enforce a penalty for the sale of adulterated articles of food or drink, even though the seller has no knowledge of the adulteration. *People vs. Snowberger*, 113 Mich. 86.

ADULTERATED JELLY. Defendant, being a salesman, was prosecuted for selling adulterated jelly under the act of 1895 amended by 1897 and 1899 No. 117. The evidence showed that he obtained an order for pure fruit jelly, which he wrote down as "pure fruit jelly," and sent it to his house, having no further connection with deal. The house sent adulterated jelly labeled "Pure Fruit Jelly." It was held that the defendant could not be convicted of selling adulterated jelly. *People vs. Skillman*, 8 Detroit L. N. (Mich.) 1090.

BACON. LIABILITY OF SELLER. In an action to recover damages for injuries arising from eating a piece of spoiled bacon sold by the defendant, it was not error not to permit the defendant's employe to testify that the bacon was prepared for sale about the time of the plaintiff's purchase. That it is a question for the jury whether the plaintiff was guilty of contributory negligence in eating the bacon after he smelled peculiar odors arising from it; and whether the defendant was so careless in seeing that the bacon sold was fit for food that he should be held liable for his own act or those of his servants. *Craft vs. Parker, Webb & Co.*, 96 Mich. 245.

VINEGAR. SAMPLES. KNOWLEDGE. It is held that a person prosecuted for selling vinegar not up to the legal standard is not entitled to have the prosecution give him a sample of the vinegar. He cannot complain that he could not get a sample for analysis if he was not stopped from doing so by any person interested in the prosecution of the suit.

Lack of knowledge that the vinegar was not up to the standard prescribed is no defense. *People vs. Worden Grocery Company*, 118 Mich. 604.

VINEGAR. It is held under the Pub. Acts of 1889, No. 224, which forbid the sale of cider vinegar containing less than one and three-fourths

per centum of cider vinegar solids and prescribing that fermented vinegar shall have in addition to such per centum of solids contained in the fruit or grain from which it is made, two and one-half tenths of one per centum ash or mineral matter, are construed to mean that all fermented vinegar shall be of said standard, whether made from grain or fruit. *People vs. Worden Grocer Company*, 118 Mich. 604.

DAIRY PRODUCTS. It is held that a statute which has for its aim "to prevent deception in the manufacture and sale of dairy products and to preserve the public health" which forbids the manufacture and sale of products not made wholly of milk or cream and in semblance of butter, and which provides that the state shall purchase the machinery now used in such manufacture and that the state auditor shall allow certain sums which shall be judiciously decreed as pay for the same, is unconstitutional. *N. W. Mfg. Co. vs. Wayne*, Circuit Judge, 58 Mich. 381.

MILK. EXPERTS. In an action for damages for the adulteration of milk furnished under a contract, where an expert testified as to the results of his analysis of the samples of the milk, the defendant might on cross-examination ask for the results of the analysis of other samples furnished by the plaintiff. *Michigan Condensed Milk Co. vs. Wilcox*, 78 Mich. 431.

CHEESE. Under the law which forbids any person from knowingly offering for sale cheese which is labeled falsely, in which knowledge is made an element of the offense, it is held that knowledge need not be proven to sustain a conviction of a person for selling adulterated food. *People vs. Snowberger*, 113 Mich. 86.

COLORING MATTER. Where the coloring matter used is not deleterious and is not used for the purpose of fraud and deception it does not come under the provisions of "an act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drink." If a manufacturer colors oleomargarine with a harmless substance permitted by the statute to be used in coloring natural butter, and the oleomargarine is properly labeled, marked and stamped with the name and address of the manufacturer, the seller cannot be criminally prosecuted. *Grosvenor vs. Duffey*, (Mich.) 80 N. W. 19.



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THE DAIRY AND PURE FOOD LAWS OF MINNESOTA.

In the state of Minnesota the inspection of articles of food, and food supplies, is committed to a State Dairy and Food Commission. The staff of the State Dairy and Food Commission is composed of the following members:

W. W. P. McConnell, commissioner.
George L. Dingman, assistant commissioner.
W. W. Wall, secretary.
Julius Hortvet, chemist.
F. W. Bedford, assistant chemist.
Mary E. Murphy, stenographer.

CREAMERY EXPERTS.

R. D. White Experimental Station
Samuel Haugdahl St. Peter

CHEESE INSPECTORS.

H. E. Vroman Cannon Falls

CREAMERY AND FOOD INSPECTORS.

W. L. Chappell Fergus Falls
H. E. Vrooman Kasson

FOOD AND DAIRY INSPECTORS.

George H. Staples Mendota
Sam B. Scott Zumbrota
Otto Gafvert Duluth
Chas. Roulean St. Paul

THE PURE FOOD LAWS OF MINNESOTA ARE IN SUBSTANCE AS FOLLOWS:

GENERAL ACT BY WHICH THE DAIRY AND FOOD DEPARTMENT WAS CREATED. CHAPTER 295, GENERAL LAWS OF MINNESOTA, 1899-1901.

"An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture or sale of unhealthy or adulterated dairy products, and to preserve the public health."

Section 1 provides that the governor shall appoint a state dairy and food commissioner for two years, at a salary of \$1,800 per annum, and necessary expenses. His duties are to enforce all laws regarding the production, manufacture and sale of dairy products, their imitations and substitutes and food prepared therefrom, and to prosecute persons engaged in the manufacture or sale of any impure, adulterated or counterfeit dairy products, offered for sale or sold contrary to the laws. Said commissioner holds his office at the pleasure of the governor. He may appoint a secretary at a salary of \$1,200 per annum, an assistant commissioner at \$1,500 per annum, one chemist at \$1,500 per annum, an assistant chemist at \$100 per month, and such inspectors as may be necessary at \$100 per month and necessary expenses.

There is an annual appropriation for the execution of the dairy laws of \$15,000, to be paid by the treasurer on the warrants of the state auditor.

NOTE.—By the act of Legislature of 1889, chapter 273, General Laws, there was appropriated for the enforcement of pure food laws the sum of \$3,000 annually, and by the general appropriation bill of 1901 there was added \$5,000 annually for the two years commencing July 1st, 1901. To the appropriation for the enforcement of the dairy and pure food laws for the fiscal years of 1901 and 1902, and for the same period the salary of the commissioner was made \$2,000 per year. This makes the total appropriation for the fiscal years 1901 and 1902 \$23,000 per year, and the extra salary of the commissioner \$200 per year for the fiscal years of 1901 and 1902.

Said commissioner is required to make biennial reports to the legislature as to his work, and also as to the number of inspectors employed and in regard to their salaries, etc.

Sec. 2. Provides that the commissioner and his assistants have access, ingress and egress to all places of business, including factories, farms, buildings, carriages and cars used in the manufacture, sale or transportation of any dairy product or any substitute therefor or imitation thereof, and also to all restaurants, dining halls, cafes, hotels and all rooms thereof, and all other places wherein food is prepared, stored or served to patrons. They have power to open any package, can or vessel containing such articles hereinbefore specified, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents railroad officials, etc., are required to assist them in discovering the presence of any article prohibited by law.

Sec. 3. Provides that in case of refusal or neglect on the part of such persons to assist said commissioner or assistants they shall be deemed guilty of a misdemeanor.

Sec. 4. Provides against the possession, sale or delivery of any unclean, impure, unhealthy, unwholesome or adulterated milk or cream.

Sec. 5. Provides against the keeping of milk cows in a crowded condition, or in stables which are not perfectly ventilated and free from animal refuse. Also that milk shall not be used from cows affected with tuberculosis, ulcers, etc., or which are fed upon distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories, not properly preserved in silos; or from cows within fifteen

days before and five days after parturition; or milk which is shown to contain more than eighty-seven per centum of milk solids; three and a half per centum shall be fat; other milk than this is declared to be adulterated. Possession of any other milk by persons producing same for sale or exchange, or for manufacturing the same into food, which shall not meet the requirements of this act is *prima facie* evidence of an intent to use the same contrary to the provisions of the law.

Sec. 6. Prevents the manufacture of any article of food from unwholesome, impure or unclean milk or cream.

Sec. 7. Provides against the sale or possession with intent to sell any cream taken from impure or diseased milk or cream containing less than twenty per cent of fat.

Sec. 8. Provides against the sale of skim milk or the possession thereof with intent to sell, without first marking the vessel containing said milk with the words "skimmed milk" in letters one inch high and one-half inch wide printed on the top or side of said vessel.

Sec. 9. The state standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and for cream a capacity of eighteen cubic centimeters, and state standard test tubes or bottles for milk shall have a capacity for two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof; and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other size of milk measure, pipette, test tube or bottle to determine the per cent of butter fat in creameries and cheese factories. A violation of this section is a misdemeanor punishable as provided in section 30 hereinafter quoted.

Sec. 10. Provides against the manipulation or under-reading the Babcock test by the owner or employee of a creamery or cheese factory.

Sec. 11. Prevents the manufacture for sale, advertisement or sale of any mixture for use as an adulterant or preservative of milk, butter or cheese; also prevents adding to milk, butter or cheese, or during their manufacture, boric acid, salicylic acid, formaldehyde acid, formalin, or any other adulterant, anti-ferments or preservatives. Provided, however, that this section shall not apply to pure salt added to butter and cheese.

LICENSES.

Sec. 12. Provides that licenses for the sale

of milk in cities having a thousand inhabitants or more shall be taken annually on the first day of May, or within thirty days thereafter, from the state dairy and food commissioner at the rate of one dollar for each and every carriage, cart or vehicle employed in such business. Licenses are limited to the owners of such carriages, carts or vehicles, and possession of said licenses is *prima facie* evidence of the ownership; prevents assignment thereof; provides that the same shall record the name, residence, place of business, number of vehicles, names of drivers and deliverers and number of the license. Provides that name of owner and number of license and place of business shall be legibly placed on each vehicle, and that owner shall report to state dairy and food commissioner any change of driver, or other person employed by him during term of license. Exempts keepers of not more than one cow from the provisions of this section.

Sec. 13. Provides that every person before selling or offering milk for sale or having it in his possession with intent to sell shall procure a license as aforesaid.

Sec. 14. Provides that no person or his agent shall sell, supply or bring to be manufactured to any butter or cheese manufactory any milk diluted, or skimmed or adulterated milk (except pure skim milk to skim cheese factories), or shall keep back "strippings," or shall bring or supply sour milk to any such manufactory (except as aforesaid). No butter or cheese manufactories, except those which buy all the milk they use, shall use for their own benefit or allow any of their employes or any other person to use any of the milk or cream brought to said manufactories or the product thereof without consent of the owners thereof. Every butter and cheese manufacturer, except those who buy all the milk they use, shall keep a record of all milk daily received, of the number of pounds and packages of butter, and the number and aggregate weight of cheese made each day, and the number of packages of cheese or butter disposed of, which record shall be open to inspection to every person who delivers milk to such manufacturer.

Sec. 15. Provides that no person shall manufacture for sale, have in his possession with intent to sell, or offer to sell as butter or cheese any substance not the exclusive and legitimate product of milk or cream.

Sec. 16. Prevents the sale of any mixture or compound which is designed to take the place of butter or of cheese which is made from animal or vegetable oils or fats, or consists in part of butter or of cheese with other substances; prevents any person from mixing, compounding with, or adding to milk, cream, but-

ter or cheese any animal or vegetable oils or fats for the purpose of producing imitations of butter or of cheese; nor shall any person coat, powder or color with annatto or with any other coloring matter whatever butterine or oleomargarine or any compound of the same or any article or compound made from animal or vegetable oils or fats not produced from milk or cream for the purpose of resembling butter or cheese; sale is prohibited whether such articles or substances have been made in this or any other state or country; any manufacturer having in his possession any of the substances in this section prohibited in the manufacture or production of the articles herein specified is *prima facie* guilty of an intent to violate this section.

Sec. 17. The state dairy and food commissioner shall issue to cheese manufacturers a uniform stencil brand bearing a suitable device or motto and the words "Minnesota Full Cream Cheese." Every brand issued shall be used upon the package containing the same, and bear a different number for each separate manufacturer, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using said brand. It is unlawful to use said stencil upon any other than full cream cheese.

Cheese branded "Minnesota Full Cream Cheese" shall contain not less than forty-five per centum of fats to total solids, and all other cheese containing less per centum of fats shall be deemed adulterated.

Sec. 18.—Provides that cheese containing less than forty-five per centum of fats is declared to be skim cheese, and shall be so stenciled, in black letters one and one-half inches in length upon the circumference of the cheese and upon the outer surface of package containing same. Persons selling or having in possession with intent to sell skim cheese not stenciled as herein required shall be guilty of a misdemeanor.

Dealers in skim cheese are required to have posted in a conspicuous place upon the walls of the wareroom cards upon which shall be printed in large type the words "Skim Cheese Sold Here."

Sec. 19. Provides against the sale or possession with intent to sell cheese branded or labeled with a false brand, either as to quality or county or state in which the article is made.

Sec. 20. Provides that hotel keepers and keepers of public houses or boarding houses, or lumber camps supplying guests or boarders with any oleaginous substance, or any compound other than that produced from unadulterated milk, or of cream from the same, or any imitation of butter, shall cause to be plainly printed upon every bill of fare in capital letters

no smaller than those known as nonpareil Celtic, in the English language, the words "Oleomargarine (or butterine) used as a substitute for butter." Where no bill of fare is used the proprietor or keeper shall cause to be placed on each and every side of the dining room or sitting room, where the same may be easily seen, a card containing the words as aforesaid; and shall continue to keep the same posted while such compounds are kept and used.

This section shall not invalidate sections 15 and 16 of this act.

Sec. 21. The state commissioner shall provide blanks to proprietors and managers of creameries and cheese factories, for the purpose of making a report of the amount of milk or dairy goods handled, and such statistical information as the commissioner may require, such reports to be made on the first day of November of each year to said commissioner.

Sec. 22. The commissioner or his assistants shall seize and take possession of any and all food or dairy products, or substitution or imitation thereof, kept for sale or for a purpose contrary to the provisions of this act. Such seizure may be had without warrant, the commissioner and his assistants having the authority of constables. Any court having jurisdiction, upon receiving proof of probable cause, shall issue a search warrant for the discovery and seizure of articles kept in violation of this section.

Sec. 23. All such warrants shall be directed to the commissioner or his assistants, or the sheriff or constable, commanding such commissioner or his assistants to search the house or place where such products are believed to be concealed, and to bring such products when found and the person in whose possession the same are found before said court.

Sec. 24. Provides that when the officer in execution of any search warrant issued under this act seizes any product the same shall be kept by the direction of the court or magistrate so long as it is necessary for the purpose of being produced in evidence in any trial, and if it shall, in addition to other penalties, order that said property be forfeited to the state, and that the same shall be sold for any purpose other than to be used as food and the proceeds thereof paid into the state treasurer to the credit of the food commissioner's fund.

Sec. 25. Prevents the effacement, erasure, cancellation or removal of any mark, stencil, or label provided for by this act.

Sec. 26. Provides that the doing of anything prohibited, and the not doing of anything directed to be done by this act shall be *prima facie* evidence of a wilful intent to violate the provisions hereof.

Sec. 28. Provides that the certificate of the chemist making the analysis in all prosecutions under this act is *prima facie* evidence of the facts certified.

Sec. 29. Provides that all moneys and fines collected under this act shall be paid into the state treasurer to the credit of the state dairy and food commissioner's fund.

Sec. 30. Provides that it is a misdemeanor to violate any of the provisions of this act, and the punishment is by fine of not less than \$25 nor more than \$100, or by imprisonment of not less than thirty days nor more than ninety days.

Sec. 31. Chapter 1, General Laws, and all acts and parts of acts inconsistent with the provisions hereof are repealed.

OLEOMARGARINE ACT.

Section 1. Prevents the rendering, manufacturing, selling, or offering for sale, or having in possession with intent to sell, any article or compound made out of any fat or oleaginous substances not produced from unadulterated milk or cream which shall be made in imitation and colored to resemble yellow butter produced from unadulterated milk or cream.

Sec. 2. Provides that for the violation of section 1 a penalty is imposed of a fine not less than \$50 nor more than \$100, or by imprisonment in the county jail for a term not exceeding sixty days.

Sec. 3. Provides that this act shall not be construed as repealing any existing act, but the same shall be deemed in addition thereto.

RENOVATED BUTTER LAWS.

Section 1. Prevents the manufacture or sale of butter that is produced by taking original packed butter or other butter, or both, and melting the same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and reurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section 2 hereof.

Sec. 2. Prevents the sale or delivery of renovated butter as defined in section 1, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold face letters at least three-quarters of an inch in length on the top and side of each tub or box, or pail or package, or on the wrapper or prints or rolls containing it. If such butter is exposed for sale uncovered, a placard containing the label so printed shall be attached to the mass of butter so that the same may be easily read. Branding or marking packages shall be in the English language and in a conspicuous place.

Sec. 3. Provides that it is the duty of the state dairy and food commissioner to enforce the provisions of this act. Security for costs shall not be required of the complainant in any case at any stage of the prosecution on trial.

Sec. 4. It is a misdemeanor to violate any provision of this act, punishable by a fine of not less than \$25 nor more than \$50 and costs, or by imprisonment not to exceed two months.

Sec. 5. Provides that the commissioner and his assistants have full access and ingress to all places of business and factories used for the manufacture or sale of said butter. They also have the power to open any tub, case, or package containing said butter offered for sale in violation of this act.

PRESERVATIVES ACT.

Sec. 1. Amends chapter 257, General Laws of 1899, as follows:

Sec. 2. Provides that it is a misdemeanor for any person to sell, offer for sale, or consign, or have in his possession with intent to sell, any milk, cream or food products of any nature whatever, butter, cheese, or any other dairy products, or who shall deliver to any creamery or cheese factory milk or cream to which has been added any preparation in powdered or liquid form known as preservatives, or any other compounds containing antiseptics punishable by a fine of not less than \$25 nor more than \$100. This act does not prohibit the use of salt in butter.

Sec. 3. Provides that the state dairy and food commissioner shall enforce the provisions of this act.

Sec. 4. Provides that the costs in prosecutions hereinunder shall be paid as provided by law, and fines resulting therefrom shall be paid into the state treasurer to the credit of the state dairy and food commissioner's fund.

"PROCESS" BUTTER ACT.

Sec. 1. Provides that any person who shall manufacture imitation butter, or butter made of part cream and part casein or other ingredients under the "Quinness patent," or any similar process, whereby the casein or milk or other ingredients are made to imitate and resemble genuine butter, shall stamp each package on the top and sides with lamp black and oil with the words "Patent Butter" in letters at least one-quarter of an inch wide and one-half of an inch long. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100.

Sec. 2. Provides that any person selling imitation or patent butter shall give to the purchaser a printed card stating correctly the different ingredients contained in said compound. It is a misdemeanor to violate this section, punishable as in section 1.

DUTY OF WASHING VESSELS USED IN TRANSPORTING MILK OR CREAM.

Sec. 1. Provides that any person who receives milk or cream in cans, bottles or vessels from any railroad or boat line, where such cans, bottles or vessels are to be returned, shall cause the same to be emptied before said milk or cream sours, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly aired.

Sec. 2. Provides that it is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment of not less than 15 nor more than thirty days for the first offense, and by imprisonment for the second and each subsequent offense.

Sec. 3. Provides that the state dairy and food commissioner is charged with the enforcement of this act.

Sec. 4. Provides that in prosecutions hereinunder costs shall be paid as provided by law, and fines shall be paid into the state treasurer to the credit of the state dairy and food commissioner's fund.

INSPECTION OF MILK DAIRIES AND DAIRY HERDS.

Sec. 1. City councils may ordain for the inspection of milk and of dairies, and of dairy herds, and issue the licenses, and may authorize the Board of Health to enforce laws and ordinances relating to the sale of milk and inspection of dairies and dairy herds, and may appoint such inspectors, experts and chemists as are necessary for the enforcement of such laws, and fix their compensation, provided no such ordinances shall conflict with any state law.

Sec. 2. Provides that this act shall not interfere with the powers or duties of the state dairy and food commissioner.

PURE FOOD LAWS.

Sec. 1. Amends section 6625 of the General Statutes of 1894 as follows:

It is a misdemeanor to adulterate wine, milk, distilled spirits, or malted liquor, or any drug, medicine, food or drink for man or beast; or to offer for sale the same as unadulterated and undiluted without informing the purchaser thereof that the same has been adulterated or diluted.

BAKING POWDER.

Sec. 1. Prevents the manufacture or sale of baking powder containing alum, unless the same be labeled as hereinbefore required, and declares the violation of this section a misdemeanor punishable by a fine not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding thirty days.

Sec. 2. Provides that every person manufacturing baking powder which contains alum shall have a label upon the outside and face thereof in type not smaller than "Long Primer Caps," with the name and residence of such manufacturer and the words "This baking powder contains alum." It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not to exceed thirty days.

NOTE.—Amended chapter 119, General Laws 1891, and "brevier heavy Gothic caps" inserted in place of "long primer."

Sec. 3. Provides that the possession of the articles and substances described in the foregoing section is considered *prima facie* evidence of the violation of this act; and the state dairy and food commissioner or his employes may seize such articles or substances, and upon order of court may sell the same after giving notice of the time of such sale and that such compound or substances contain alum, and the proceeds thereof shall be placed to the credit of the state dairy and food commissioner's fund.

Sec. 4. Provides that the district and municipal courts and justices of the peace shall have full jurisdiction for any violation of this act.

Sec. 5. Provides that costs shall be paid as provided by law in prosecutions hereinunder, and the fines be placed to the credit of the state dairy and food commissioner's fund.

NOTE.—Chapter 7, General Laws of 1899, so far as it relates to baking powder, is superseded by the following:

(Chapter 245, General Laws 1899).

Sec. 1. Provides for the protection of the public against the manufacture or sale of baking powders which are impure, unless labeled as hereinafter required and directed, and declares it a misdemeanor to violate this section punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding thirty days.

Also that if any person shall manufacture or sell such baking powder or imitations thereof, they shall be deemed guilty of a misdemeanor, and upon conviction shall for each offense be punished by a fine not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding 30 days.

Sec. 2. Provides that every person manufacturing or selling or offering for sale any baking powder shall affix to every box and package containing same a white or light colored label, upon the outside of which is distinctly printed in the English language with black ink, in legible type no smaller than "brevier heavy Gothic caps," the name and residence of the manufac-

turer and the words "This baking powder is composed of the following ingredients, and none other"; and immediately after said words shall be printed upon said light colored label the true and correct name of each and all of the ingredients contained in or constituting a component part of such baking powder. It is a misdemeanor to violate this section punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding 30 days.

NOTE.—An amendment to baking powder laws was passed by the Legislature of 1901, as follows:

Sec. 1. Substantially the same as section 2, last quoted, excepting that when ingredients are used in the mixture or compound intended for use as baking powder, such ingredients shall be printed by "using the names by which each ingredient is commonly known in trade." The penalty is the same as in section last quoted.

VINEGARS.

Chapter 7 of the General Laws of 1899, as amended by chapter 119 of the General Laws of 1891, and chapter 330 of the General Laws of 1901.

NOTE.—Beginning at section 6 relates to vinegars, lard and liquors.

Sec. 6. Provides that every person who manufactures or offers for sale as cider vinegar any vinegar not the legitimate product of pure apple juice, known as apple, cider or vinegar into which foreign substances, drugs or acids have been introduced, is guilty of a misdemeanor, punishable by a fine of \$25 nor more than \$100 and costs, or by imprisonment in the county jail not less than 30 nor more than 90 days.

Sec. 7. Prevents the manufacture or sale of vinegar containing lead, copper, sulphuric acid, or other ingredients injurious to health, and fixes the penalty, as a misdemeanor, a fine of not more than \$100 and costs, or imprisonment in the county jail not to exceed 90 days.

Sec. 8. Provides that no person shall sell, exchange or deliver adulterated vinegar, or label, brand or sell as cider vinegar any vinegar except as described in section 6.

Sec. 9. Is the same as section 7, except as to penalty, which is fixed at \$10 nor more than \$100 and costs, or by imprisonment in the county jail not to exceed 90 days.

Sec. 10. Provides that it is a misdemeanor to violate this act, punishable by a fine not exceeding \$100 and costs, or by imprisonment in the county jail not to exceed 90 days.

Sec. 11. Provides that all vinegars shall have an acidity equivalent to the presence of not less than four and one-half per cent of absolute acetic acid, and cider vinegar shall contain

in addition not less than two per cent by weight of cider vinegar solids upon full evaporation over boiling water; and if any vinegar contains artificial coloring matter or less than the above acidity, or if cider vinegar contains less than such acidity or of vinegar solids, it is declared to be adulterated. All manufacturers of vinegar and all persons who rebarrel or reduce the same, and persons handling vinegar in lots of one barrel or more, shall stencil or mark in black figures at least one inch in length on the head of each barrel of vinegar bought or sold the kind of vinegar contained therein, with the name of the manufacturer and location of the factory where the same is made, and the standard strength of the vinegar contained in the package or barrel, which shall be denoted by the number of grains of pure bicarbonate of potash required to neutralize one fluid ounce of vinegar. It is a misdemeanor to violate this act, punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment in the county jail not less than 30 nor more than 90 days.

Sec. 12. Provides that whoever adulterates, for the purpose of sale, lard with cotton seed oil, or vegetable oils, or terra alba, or any injurious substance, or adulterates any substance intended for food as aforesaid, is guilty of a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100 and costs, or by imprisonment as in section 11.

(NOTE.—Section 13 is amended by Chapter 115 of the General Laws of 1901 immediately following this chapter, so for section 13 read chapter 115 of the General Laws of 1901).

Sec. 14. Provides that the state dairy and food commissioner is directed to enforce the provisions of this law, and to employ such experts and chemists as he may deem necessary and fix their compensation. Expenses authorized by this act shall be paid by the state treasurer on a warrant drawn by the state auditor.

Sec. 15. Provides that the commissioner and his assistants have access, ingress and egress to all places of business, factories and buildings where lard is manufactured or sold, also cases and vessels used in the manufacture or sale of any spirituous, fermented or malted liquors or imitations thereof, or any of the substances or articles mentioned in this act; they have the power and authority to open such packages, car or vessel containing the same, sold or exposed in violation of the provisions of this act, and take samples therefrom for analysis. Clerks, bookkeepers or express agents or railroad officials must assist said officers, and a neglect to do so on the part of said clerks, bookkeepers, etc., is a misdemeanor punishable by a fine not less than \$50 nor more than \$100 for each

offense, or by imprisonment for no less than 30 nor more than 90 days in the county jail.

Sec. 16. Provides that the salary of the chemist is not to exceed \$1,500 annually.

In the note cited in the foregoing chapter section 13 referred to is chapter 115 of the General Laws of 1901, and reads as follows:

Sec. 1. Provides that section 13 of chapter 7 of the General Laws of Minnesota for 1899 is amended so as to read as follows:

Sec. 13. Provides that no person shall manufacture, brew, distill or offer for sale any spirituous or fermented or malt liquors containing any drug, substance or ingredient not normal or healthful to exist in spirituous, fermented, or malted liquors, and the following drugs, substances or ingredients are deemed not normal or healthful to exist in spirituous, fermented or malted liquors when contained in such liquors, to-wit: Cocculus indicus, chloride of sodium, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, darnel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, amyl alcohol, and any extract or compound of any of the above drugs, substances or ingredients. It is a misdemeanor to violate this section, punishable by a fine of \$25 nor more than \$100 and costs, or by imprisonment not less than 10 nor more than 90 days for the first offense, and \$50 nor more than \$100 or imprisonment not less than 30 nor more than 90 days, or both fine and imprisonment for any subsequent offense.

LARD.

Sec. 1. Provides that no person shall sell for lard any substance not the legitimate and exclusive produce of the fat of a hog.

Sec. 2. Provides that it is a misdemeanor to manufacture or offer for sale as lard, or as a substitute or imitation therefor, any substances which is made from animal or vegetable oils or fats, or consists in part of lard or lard with such animal or vegetable oils or fats, unless same shall be branded or labeled as hereinafter required, punishable as hereinafter provided.

Sec. 3. Provides that any person selling or offering for sale any substance or imitation made in resemblance of lard, consisting of animal or vegetable oils or fats other than hog fat, shall cause the tierce, barrel, tub, pail or package containing the same to be legibly branded or labeled in letters not less than one inch in length with the name of the person or firm making same, together with the location of the manufactory, and the words "Lard substitute," and immediately following the same, in letters not less than one-half inch in length, the names and approximate proportions of the several

constituents contained in the mixture or compound.

Sec. 4. Same as section 3, with the exception that the words "Adulterated lard" are used in place of the words "Lard Substitute."

Sec. 5. Provides that every person selling adulterated lard as hereinbefore defined shall affix to the package wherein the same is contained a label upon the outside, on which is plainly, distinctly and legibly printed in letters no less than one-half inch in length the words "Lard substitute" or "Adulterated lard," and immediately following the same, in letters no smaller than long primer, the names and approximate proportions of the several constituents which are contained in the mixture or compound, and shall furnish the purchaser at the time of sale a card upon which is distinctly printed the name of the article as hereinbefore defined, and a list of the several constituents of the mixture.

Sec. 6. Every person who manufactures or sells, or who serves to guests as keeper of a hotel, restaurant or dining room, articles of food prepared with lard substitutes or adulterated lard, shall furnish a card upon which is distinctly printed the words "This food is prepared with lard substitute (or adulterated lard)," and in case no bill of fare is provided there shall be kept constantly posted upon each of the sides of the dining room cards printed with the words "Lard Substitute (or adulterated lard) is used in the preparation of the food served here."

Sec. 7. Provides that the possession of any substitute for or adulterated lard not branded, upon the part of any dealer therein, is *prima facie* evidence of intent to sell or use the same in an unlawful manner.

Sec. 8. Provides that the district court and justices of the peace have jurisdiction in cases arising hereinnunder.

Sec. 9. Provides that the state dairy and food commissioner is charged with the enforcement hereof, and may employ experts and chemists and fix their compensation. Expense accounts shall be paid by the state treasurer upon a warrant by the state auditor.

Sec. 10. Provides that the commissioner and his assistants have access, ingress and egress to all places of business and buildings, and to any packages, car or vessels for the purpose of discovering violations of this act; and all clerks, bookkeepers, railroad officials, etc., must assist them. It is a misdemeanor to violate this act, punishable by a fine of \$25 nor more than \$50 for each offense.

This act shall not apply to cottolene, a compound consisting of a mixture of beef stearine and refined cotton seed oil, where the tierce,

barrel, tub, pail or package shall be legibly branded in letters not less than one-half inch in length with the word "Cottolene," and the name and location of the person manufacturing the same; and provided further that said cottolene is not manufactured in imitation of lard.

Sec. 11. Provides that costs in all prosecutions hereunder shall be paid as provided by law, and the fine therefrom be placed to the credit of the state dairy and food commissioner's fund.

Sec. 12. Provides that any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, punishable by a fine of \$25 nor more than \$100 and costs, or by imprisonment for not less than 30 nor more than 90 days.

AN ACT IN RELATION TO HONEY.

Sec. 1. Prevents the sale of honey compounded or manufactured from or mixed with glucose, sugar syrup of any kind, or any substance whatever not the legitimate and exclusive product of the honey bee, unless the package containing the same is marked or labeled in heavy Gothic capitals, eighteen point, with the name of the person or persons compounding, manufacturing or mixing the same, and the names of the substances from which the same are manufactured.

Sec. 2. Prevents the sale of honey not made by bees from the natural secretion of flowers and plants, but which has been stored or made by the bees from glucose, sugar, syrup, or any other material or substance fed to them, unless the same is marked, represented and designated as such and bearing a label upon each package, as in section 1 required.

Sec. 3. Provides that it is a misdemeanor to violate sections 1 and 2 hereof, punishable by a fine of \$15 nor more than \$100, or by imprisonment not exceeding 30 days in jail, or both fine and imprisonment.

Sec. 4. Provides that the possession of any honey described in sections 1 and 2 not labeled as provided is *prima facie* evidence that the same is kept in violation hereof.

Sec. 5. Provides that the state dairy and food commissioner is charged with the enforcement of this act.

Sec. 6. The commissioner or his assistants shall have access and ingress to all places of business and buildings where the said honey is kept for sale; they shall have the power to open any package, car or vessel containing the same. Clerks, express agents, bookkeepers, etc., shall assist them in discovering the same. It is a misdemeanor to violate this section, punishable by a fine of \$25 nor more than \$50 for each offense, or by imprisonment in the county jail not less than 30 days nor more than 60 days.

Sec. 7. Provides that in prosecutions under this act the costs thereof shall be paid as provided by law.

AN ACT IN RELATION TO CANDY.

Sec. 1. Prevents the sale of any candy, adulterated by the admixture of terra alba, barytes, talc, or any mineral substance, by poisonous coloring or flavor, or other ingredients injurious to health.

Sec. 2. Provides that it is a misdemeanor to violate this act, punishable by a fine not exceeding \$50 nor less than \$25, or by imprisonment not to exceed 60 days nor less than 30 days. Adulterated candy shall be forfeited and destroyed by directions of the court.

JELLIES.

Sec. 1. Jellies under this act shall include all substances known and recognized in commerce as jellies for human consumption as food, whether they are prepared of animal or vegetable products.

Sec. 2. Prevents the manufacture of food jellies adulterated with any foreign substance, within the meaning of this act, unless the can, jar, glass or package containing same shall be labeled as hereafter required and directed.

Sec. 3. Any food jelly shall for the purpose of this act be deemed adulterated:

1. If any substance shall have been mixed with it so as to lower or depreciate its quality, strength or power.

2. If any inferior substance has been substituted wholly or in part for it.

3. If any necessary ingredient has been abstracted wholly or in part from it.

4. If it is an imitation sold under the name of any other article or substance.

5. If it is treated in any manner whereby its inferiority is concealed, or if made to appear better than it really is.

6. If it contains any added substance poisonous or injurious to health.

Sec. 4. Provides that any person selling a food jelly adulterated as hereinbefore defined shall affix in a conspicuous place upon the can or package containing same a label, upon the outside and face of which is printed, on a background of a single color, in the English language, and in legible type no smaller than double pica, the name and location of the factory and manufacturer manufacturing the same, and the words "Mixture" and "Adulterated," and immediately following below these words the common English name and the quality, grade and net weight of the article claimed to be contained in such can or package.

Sec. 5. Provides that the possession of any article herein described, not labeled as herein required, is *prima facie* evidence of a violation of this act.

Sec. 6. Provides that all persons manufacturing or selling food jellies for export trade outside of this state are exempted from the provisions of this act as to all food jellies as are manufactured or kept for export trade.

Sec. 7. Provides that a certificate of the chemist making analysis, duly sworn to, is *prima facie* evidence of the facts certified.

Sec. 8. Provides that it is a misdemeanor to violate this act, punishable by a fine not less than \$5 nor more than \$50 and costs or by imprisonment not to exceed three months.

Sec. 9. In prosecutions hereunder costs shall be paid as provided by law, and fines paid into the state treasury to the credit of the state dairy and food commissioner's fund.

Sec. 10. Provides that the state dairy and food commissioner is charged with the enforcement of this act. Upon complaint by him or by anyone authorized by him security for costs shall not be required of the complainant.

Sec. 11. Provides that the commissioner shall have access and ingress to all places of business, factories and buildings used for the manufacture or sale of food jellies. He shall have authority to open any package, can or receptacle containing any food jelly sold or exposed for sale in violation of the provisions hereof.

FLAX SEED AND LINSEED OIL.

Sec. 1. Prevents the manufacture or sale of any flax seed or linseed oil, unless the same answers a chemical test for purity recognized in the United States Pharmacopœia, and any other test that will discover adulterations in linseed oil. Linseed oil showing more than two per cent shrinkage when subjected to an evaporation test by exposing it to a temperature of three hundred or more degrees of heat, Fahrenheit, for a period of three hours, is declared to be adulterated.

Sec. 2. Prevents the sale of flax seed or linseed oil under any other than its true name, and requires that each tank, car or vessel of such oil shall be distinctly and durably painted, stenciled or labeled with the true name of such oil in ordinary bold-faced capital letters the words "Pure linseed oil, raw"; or "Pure linseed oil, boiled"; and the name and address of the manufacturer, with his brand.

Sec. 3. Provides that anyone who shall sell without stamp as herein required or false stamp, or label tank cars, kegs or other vessels containing flax seed or linseed oil, or violate any provisions of this act, is guilty of a misdemeanor and punishable by a fine of not less than \$25 nor more than \$50; in default of the payment of which he shall be committed to the county jail for a period of not less than 30

days. The state dairy and food commissioner is charged with the enforcement hereof. He shall have access, ingress and egress to all places of business where the same is kept for sale or stored. He has authority to open any tank, car tank, keg or any vessel of such oil and take samples therefrom for analysis. Clerks, bookkeepers, etc., shall assist him in discovering the presence of adulterated oils.

Sec. 5. Costs in prosecutions shall be paid as hereinbefore provided under other sections of this act.

SPICES AND CONDIMENTS.

Sec. 1. The term "Spices and condiments" as used herein shall include all substances known and recognized in commerce as spices and used as condiments, whether in their natural state or in the form which would result from the grinding, milling or mixing or the compounding of the natural product.

Sec. 2. Prevents the manufacture or sale of such spices or condiments, either ground or unground, adulterated with any foreign substance within the meaning of this act, unless the package or box containing same shall be labeled or branded as hereinafter directed.

Sec. 3. Provides that any spices or condiments shall be deemed adulterated:

1. If any substances have been mixed with it so as to lower or depreciate its quality, strength or purity.

2. If any inferior or cheaper substances have been substituted wholly or in part for it.

3. If any necessary component has been abstracted from it wholly or in part.

4. If it is an imitation of any other substance or article.

5. If it is colored, powdered or treated whereby damage or inferiority is concealed, or if made to appear better than it really is.

6. If it contains any foreign substance poisonous or injurious to health.

Sec. 4. Provides that any person selling or delivering any spice or condiment adulterated as hereinbefore defined shall label on the outside and face of each package containing the same, upon a background of a single color, in the English language and in legible type no smaller than double pica, the name and location of the manufacturer or person, firm or corporation manufacturing same, and the words "Mixture" and "Adulterated" and the common English name of the spice or condiment which said box or package contains, also the net weight of the package shall be printed on the label.

Sec. 5. Provides that possession of any article adulterated as herein described and not labeled is *prima facie* evidence of a violation of this act.

Sec. 6. Provides that it is a misdemeanor to violate this act, punishable by a fine of \$10 nor more than \$50 and costs, or by imprisonment not less than 30 days.

Sec. 7. Costs in prosecutions hereinunder shall be paid as hereinbefore provided under other sections.

Section 8. The state dairy and food commissioner is charged with the enforcement hereof. No security for costs shall be required upon his complaint or that of anyone authorized by him.

Sec. 9. He has ingress and egress to all places of business used for the manufacture or sale of spices or condiments, and shall have authority to open any package, box or can containing same.

MAPLE SUGAR AND SYRUP.

Sec. 1. Prevents the manufacture or sale as pure maple sugar or as pure maple syrup of any substance not the legitimate product of the sap of the maple tree, free from tannic acid, starch, glucose and glucosides or mineral acids, and all foreign ingredients injurious to health. Provided, that the manufacture or sale within this state is not prohibited as to maple syrup or maple sugar made in part of pure maple sugar or pure maple syrup combined with other substances not injurious to public health which is labeled on the outside of each can, bottle, or other receptacle of any nature whatsoever according to law. The label shall be affixed in a conspicuous manner, and shall contain the words "This maple sugar or maple syrup (as the case may be) is composed of the following ingredients and none other," and immediately after said words shall be printed upon said label the correct names of each ingredient constituting a component part of such maple sugar or maple syrup and the name and residence of the manufacturer. The labels shall be printed in the English language in letters no smaller than brevier heavy Gothic capitals.

Sec. 2. The having in possession by any person, firm or corporation of any maple sugar or maple syrup not labeled in accordance with the provisions of section 1 is *prima facie* evidence of a violation of this act.

Sec. 3. Provides that the certificate of the chemist is *prima facie* evidence of the facts certified.

Sec. 4. It is a misdemeanor to violate this act, punishable by a fine of \$10 nor more than \$50 and costs, or imprisonment not exceeding 90 days.

Sec. 5. The state dairy and food commissioner is charged with the enforcement hereof. When complaint is made by him or his assistants security for costs shall not be required.

Sec. 6. The commissioner has the right of

ingress and egress to all places of business where said sugar or syrup is manufactured or sold, and the right to open packages containing the same.

FRUIT JAMS AND PRESERVES.

Sec. 1. Prevents the manufacture or sale of any fruit jams or fruit preserves composed of any ingredient other than fruit and granulated sugar, except such ingredient be not injurious to public health, and shall be labeled in a conspicuous place on the sides of either can, jar, or other package of the same in the English language in bold-faced, legible type no smaller than double pica with the name and residence of the person, firm or corporation manufacturing the same. Provided, further, that on a separate label of white or light colored background in bold-faced type not less than one-half inch in length is printed the words in capitals "Mixed and adulterated." Said label shall be securely affixed.

Sec. 2. Provides that the possession of any article which is described as adulterated which is not labeled as required is *prima facie* evidence of a violation of this act.

Sec. 3. Provides that the provisions of this act shall not apply to persons manufacturing fruit jams or fruit preserves for export trade.

Sec. 4. Provides that the certificate of the chemist is *prima facie* evidence of the facts certified.

Sec. 5. Provides that it is a misdemeanor to violate this act, punishable by a fine of not less than \$10 nor more than \$50 and costs, or by imprisonment not to exceed three months.

Sec. 6. Provides that the state dairy and food commissioner is charged with the enforcement hereof. No security for costs shall be required when he or his assistant is complainant.

Sec. 7. The commissioner and assistants have access, ingress and egress to all places of business where fruit jams or fruit preserves are manufactured or sold. They have also the power to open any package containing the same.

WHITE LEAD AND MIXED PAINTS.

Sec. 1. Prevents the manufacture or sale of white lead paint branded or marked as "Pure" and "Strictly Pure" which contains any ingredients other than carbonate of lead and pure linseed oil; also any mixed paint branded "Pure" or "Strictly Pure" which contains any ingredients other than pure linseed oil, pure carbonate of lead, oxide of zinc, turpentine, Japan dryer, and pure colors, and declares the violation of this act a misdemeanor punishable by a fine of \$25 nor more than \$100 and costs, or by imprisonment in the county jail not exceeding 60 days. Provided if the same be properly labeled showing the quantity and

amount of each and every ingredient used in said white lead paint or mixed paint as above described and the name and residence of the manufacturer the person manufacturing same shall not be guilty of a violation of this act.

Sec. 2. Provides that the possession of any article described herein not labeled as provided is *prima facie* evidence of a violation of this act.

Sec. 3. Provides that one-half of the fines under the provisions hereof shall go to the person making complaint, and one-half to the state dairy and food commission.

Sec. 4. Provides that the state dairy and food commissioner is charged with the enforcement of the provisions hereof. Security for costs shall not be required in any prosecution by him or his assistants.

Sec. 5. Provides that the commissioner has access and ingress to all places of business and the right to open any package or receptacle containing white lead paint sold or exposed for sale in violation of the provisions of this act.

NOTE.—Any person desiring an analysis made of any article described under the foregoing sections of the pure food and dairy laws may send in a sample of such article to the state dairy and food commissioner, accompanied by the following information and quantity according to the article sent to be analyzed:

Name and location of manufacturer; if jobber, the firm name and location.

Brand or name of article and representation by dealer as to quality and character of goods.

AS TO QUANTITIES TO BE SENT:

Cheese, not less than six ounces.

Butter, not less than eight ounces.

Milk, not less than four ounces.

Cream, not less than four ounces.

Lard, not less than four ounces.

Baking powder, not less than one small can.

Vinegar, not less than four ounces.

Honey, not less than eight ounces.

Spices, not less than four ounces.

Food jellies, not less than one-half pound, or small original package.

Jams, not less than one-half pound, or small original package.

Preserves, not less than one-half pound, or small original package.

Beer, not less than one pint.

Wine, not less than one pint.

Liquor, not less than one pint.

Linseed oil, not less than eight ounces.

Maple syrup, not less than eight ounces.

Candy, not less than eight ounces.

White lead, not less than four ounces.

Mixed paints, not less than small can.

DECISIONS OF THE SUPREME COURT OF MINNESOTA ON FOOD LAWS.

FORMULA OF FOOD. NO RIGHT TO KEEP SECRET. No man has a constitutional right to keep secret the composition of substances which he sells to the public as articles of food. State vs. Aslesen, 50 Minn. 5.

BAKING POWDER. A statute which provides that manufacturers of baking powder shall put a label on each can stating the different ingredients used in its manufacture and composition is not an infringement on private rights and is constitutional. State vs. Sherod; State vs. Horrigan; State vs. O'Grady, 80 Minn. 446.

BAKING POWDER. The act of 1889 regarding the adulteration of baking powder embraces but one subject and it is therefore constitutional within the meaning of the constitution in regard to acts embracing but one subject in their title, etc.

Alum baking powder must be marked as required by law so as to give the public full notice of what they are buying; and Secs. 1 and 2 of the statute requiring alum baking powder to be so marked are constitutional. Stolz vs. Thompson, 44 Minn. 271.

LARD. It is required that the seller of any

article substituted or designed to take the place of lard shall, by label or card, inform the purchaser of the nature and ingredients of the article which he offers for sale. State vs. Aslesen, 50 Minn. 5.

LARD. LABELING. A statute requiring the sellers of lard substitute to inform the purchaser of the fact by labeling the article with a quantitative analysis of its ingredients does not deprive the seller of his property without due process of law, but is a valid exercise of the police power. State vs. Aslesen, 50 Minn. 5.

COTTOLENE. Under a law which provides that all substitutes or imitations of lard must be marked "Lard substitute" and providing that the act does not apply to cottolene when it is not manufactured in imitation of lard, and is plainly marked "cottolene," it has been held that such acts forbid the sale of cottolene manufactured to resemble lard, unless the package is marked "Lard Substitute"; and that evidence, that the defendant sold cottolene resembling lard without being marked "Lard Substitute" is sufficient to sustain a conviction. State vs. Hansen (Minn.) 54 L. R. A. 468.

ADULTERATED MILK. A statute prohibiting the sale of cream that contains less than 20 per cent of milk fats is a valid exercise of the police power. *State vs. Crescent Creamery Co.*, 83 Minn. 284.

MILK LICENSE. The laws of 1895 which authorize a city to provide for the regulation of the sale of milk and licenses therefor within its limits, give a city power to require that the applicant for a license consent that the dairy herd from which he obtains milk may be inspected by the health commissioner, although the cows are outside of the city limits.

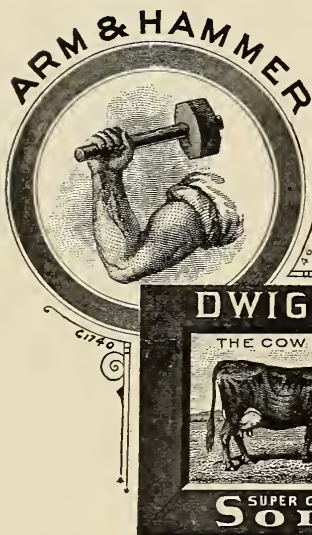
An ordinance providing that before the license is granted the animals from which the applicant obtains his milk shall be subject to the tuberculin

test is not unreasonable. *State vs. Nelson*, 66 Minn. 166.

OLEOMARGARINE. The law of 1885 c. 149, par. 4, is constitutional and within the police power of the state and the same is good as to its title within the meaning of Sec. 27, Art. 4 of the constitution. *Butler vs. Chambers*, 36 Minn. 69.

A statute intended to restrain or suppress the manufacture and sale of oleomargarine and similar compositions, is a legitimate exercise of the police power of the state. *Butler vs. Chambers*, 36 Minn. 69.

PUBLIC MARKET. An ordinance which requires that all dealers in order to sell within the city limits in any other place than in the public market must have a license is valid. *State vs. McMahon*, 62 Minn. 110.



BEST ON EARTH
STRICTLY PURE

CONTAINS OVER 52% OF CARBONIC ACID GAS
AND OVER 99% PURE BI-CARBONATE.
THE VALUE OF SODA OR SALERATUS
DEPENDS ENTIRELY UPON THE AMOUNT
OF CARBONIC ACID GAS IT CONTAINS,
AS THAT CONSTITUTES ITS SOLE
RAISING PROPERTY.

CHURCH & DWIGHT CO.
NEW YORK.

PURE FOOD LAWS OF MISSISSIPPI.

The State of Mississippi has not provided for a Pure Food Commission. The laws enacted to provide against the adulteration of articles of food are enforced by local boards of supervisors, and by such agencies as the Mayor or Board of Aldermen of every town or village may appoint. Said boards may from time to time direct what kinds of foods shall be inspected.

Such laws as this state has enacted upon the subject of food adulterations are abstracted as follows:

ADULTERATED FOOD.

ANNOTATED CODE, 1892. CHAPTER 50.

Sec. 2096. An article of food shall be deemed adulterated:

(a) If any substance be mixed with it so as to lower or injuriously affect its quality or strength;

(b) If any inferior or cheaper substance or substances be substituted in whole or in part for the article;

(c) If any valuable constituent of the article be, in whole or in part, abstracted or extracted;

(d) If it be an imitation of or sold under the name of, another article;

(e) If it consist, in whole or in part, of a diseased or decomposed or putrid or rotten animal or vegetable substance, whether manufactured or not; or,

(f) If it be the produce of a diseased animal;

(g) If it be colored or coated, or powdered or polished, whereby damage is concealed, or it be made to appear better than it really is, or of greater value; or,

(h) If it contain any added poisonous ingredient, or any ingredient injurious to health; but this section shall not apply to mixtures or compounds recognized as ordinary articles of food.

INSPECTORS OF FOOD.

Sec. 2098 (942). The Board of Supervisors of every county, and the Mayor and Board of Aldermen of every city, town and village, respectively, may appoint and commission a suitable person to be inspector of food, and said boards may direct, from time to time, what kind of food shall be inspected.

Sec. 2099. The said boards may, respectively, make and publish all needful regulations for the government of the inspectors, and of dealers

in food, and may enforce such regulations by proper penalties, and they may prescribe and regulate the compensation of the inspector and his fees and perquisites, and define his duties.

Sec. 2100 (943). Provides that every inspector of food, before he enters on his duties, shall take and subscribe an oath for the faithful performance of his duties, and shall give bond in the sum of \$500, with sufficient sureties, payable to the county, city, town or village.

101. Every imposter of food shall be liable, civilly and criminally, as other officers are, for fraud and any malfeasance or misfeasance in office, and shall be liable on his bond for the safe keeping and accounting for the standard of weights and measures.

2102. The inspector of food of any county, city, town or village shall be the keeper of the standards of weights and measures, and shall seal all weights and measures brought to him conforming or conformed to the standards. (See 4480.)

2104 (948). Any person who shall oppose or obstruct any inspector of food in the discharge of his official duties, shall, for every such offense, forfeit and pay \$200, and shall, moreover, be liable to action for any injury or damage that may be sustained by any such opposition or obstruction.

FORFEITURE OF FOOD ARTICLES.

2105 (947). If any person shall knowingly sell, keep or offer for sale as sound and wholesome, any tainted, putrid, unsound, unwholesome or unmerchantable provisions, as human food, or shall practice any fraud or deception whereby any such provisions are put off or sold, the whole of such provisions, if of value for any purpose, shall be forfeited to the county wherein the same may be offered or kept for sale. (See Secs. 1262, 1263, 1264.)

2106 (949). If any person shall sell, keep, or offer for sale, any barrel of flour, meal, pork, or beef, as a barrel thereof, containing less than the standard weight net, he shall forfeit to the county all of such underweight flour, meal, pork, or beef, which he may have in his possession.

2107. If any person shall keep or offer for sale any adulterated food or drug, the whole of the adulterated article shall be forfeited to the county.

...THE...
**Scudders-Gale Grocer
 Company,**

714 to 724 Spruce St. 425 to 429 South Seventh St.
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SUCCESSORS TO

Scudder-Gale Grocer Co. and J. W. Scudder & Co.

Importers and Jobbers of everything required by the

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PROPRIETORS of the well known BUFFALO and OWL Brands of Canned Goods, Cereals, Etc. Special attention given to high-grade canned goods, preserves and fine edibles of every description.

We are also the St. Louis Agents for the following well known firms:

CURTICE BROS. CO., Rochester, N. Y.	- - - -	Blue Label brand of Canned Goods, Preserves, Jams, Jellies, Etc.
DWINELL WRIGHT CO. Boston, Mass.	- - - -	Roaster and Packers of High Grade Coffees.
SEVILLE PACKING CO. New York.	- - - -	Importers of Olives, Olive Oil, Pickles, Crackers, Etc.
CAFFE FRERES, Paris, France.	- - - -	Packers of the celebrated "Cadeau Brand" Peas, Mushrooms, Sardines, etc.
THE HILSON COMPANY, New York.	- - - -	Manufacturers of "Hoffman House" High Grade Cigars, and "Hoffmanettes" extra fine 5c cigar.
THE TOWLE SYRUP CO. Detroit, Michigan.	- - - -	Log Cabin Maple Syrup.
WILLIAMS BROS. Oakland, Cal.	- - - -	Pickles, Catsup and Sauce.
THE CALIFORNIA FISH CO. PADLOCK EXTRA CAL. FRUITS	- - - -	Sardines and Mackerel.

If our salesmen do not call on you, we solicit your open orders, and guarantee careful and prompt attention.

MISSOURI PURE FOOD LAWS.

REVISED STATUTES, 1899, AND SESSION ACTS, 1901.

There is no Pure Food Commissioner in the State of Missouri and the laws of the state relating to food adulteration are not enforced by any special agent of the state, except the laws regulating the sale of imitation butter and filled cheese, which are enforced by the Board of Agriculture.

OFFICERS AND MEMBERS MISSOURI STATE BOARD OF AGRICULTURE.

OFFICERS.

President, W. R. Wilkinson, St. Louis.
 Vice-President, Fred J. Hess.
 Secretary, Geo. B. Ellis, Columbia.
 Assistant Secretary, Snowden Willis, Columbia.
 Treasurer, H. H. Banks, Columbia.
 Veterinarian, Dr. D. F. Luckey, Columbia.

EX-OFFICIO MEMBERS.

Governor of Missouri, A. M. Dockery, Jefferson City.
 Superintendent of Schools, W. T. Carrington, Jefferson City.
 Dean Agricultural College, H. J. Waters, Columbia.

CORPORATE MEMBERS.

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 District No. 2—J. W. Hills, Chillicothe.
 District No. 3—Alex. Maitland, Richmond.
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 District No. 10—Chas. L. Boisselier, Gumbo.
 District No. 11—N. J. Colman, St. Louis.
 District No. 12—W. R. Wilkinson, St. Louis.
 District No. 13—Chas. M. O'Connell, Fredrickton.
 District No. 14—Fred J. Hess, Charleston.
 District No. 15—J. J. McNatt, McNatt.
 District No. 16—A. T. Nelson, Lebanon.

A digest of the laws upon the subject of Pure Food in force in the state of Missouri at the present time is as follows:

IMITATION BUTTER.

Sec. 4744. Every article, substitute or compound other than that produced from pure milk or cream from the same, made in semblance of butter, to be used as a substitute therefor, is

declared to be imitation butter.

Sec. 4745. No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith or with animal fat or vegetable oil any other substance whatever any annato or compound thereof, or other substance for the purpose of imparting thereto a yellow color so that such substance shall resemble any shade of genuine yellow butter. Nothing in this article shall prohibit the use of salt and harmless coloring matter for coloring substitutes for butter manufactured for export or sale outside of this state. No person by himself, his agents or employe, shall produce or manufacture any substance in imitation of natural butter, nor sell imitation butter produced in violation of this section, whether produced in this state or elsewhere. Substances designed to be used as substitutes for butter and not manufactured or colored as herein prohibited may be sold under regulations hereinafter provided.

Sec. 4746. Manufacturers of any substance as a substitute for butter shall mark or stencil upon the top and sides of each tub or package containing same at the place of manufacture, in the English language, the words "Substitute for Butter," in printed letters of plain Roman type, at least one inch in length by one-half inch in width.

Sec. 4747. Substitutes for butter shall not be consigned or received by common carriers unless shipped under their true names; provided, this article shall not apply to goods in transit between foreign states across the state of Missouri.

Sec. 4748. Prohibits the possession or control of any substance as a substitute for butter unless the tub or package containing same be marked as provided in section 4747; *Provided* this section shall not apply to persons having same for actual family consumption. Every person possessing or controlling such substances not marked as herein required shall be presumed to know the true character and name as fixed by this article of such products.

Sec. 4749. Prohibits the sale of a substitute for butter under the name of or under the pretense that the same is butter.

Sec. 4750. Every person who shall violate the provisions of Sections 4745, 4746, 4747, 4748 and 4749 hereof shall forfeit and pay to the state of Missouri for the use of the school fund the sum of \$50 and costs of suit, to be recovered by civil action in the name of the state of Missouri on relation of any person hav-

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PRESERVES

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APPLE BUTTER



are Pure

Strawberries
 Red Cherries
 Peaches
 Red Plums
 Pears
 Figs
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 Blackberries
 Pineapple
 Damsons
 Quinces
 Apricots

Packed two in case

GALLON FRENCH JAR

The very Choicest Fruits and Best Granulated
 Sugar is used in preserving all goods under the

“TIGER BRAND.”

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*St. Louis Syrup & Preserving Co.,
 St. Louis, Mo.*

ing knowledge of the facts, before any justice of the peace in the city or county where such violation occurs, or any other court of competent jurisdiction; and in addition to the civil liability herein provided such person shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than \$10 nor more than \$100, or by imprisonment not exceeding 100 days; and for any subsequent offense by a fine of not less than \$250 nor more than \$500, or by imprisonment in the county jail not less than 30 days, nor more than six months, or both fine and imprisonment.

Sec. 4751. A certificate of analysis of any dairy product or imitation thereof when signed by a professor in chemistry of the State University or Experiment Station, and properly acknowledged, shall be received in courts of this state as *prima facie* evidence of the facts therein stated in all civil actions under Sec. 4750 of this Act.

Sec. 4752. Contracts made in violation of this article are non-actionable.

Sec. 4753. It is a misdemeanor to efface, cancel or remove any mark provided for by this article with intent to mislead.

Sec. 4754. The State Board of Agriculture shall enforce this act. All fines shall be paid into the State Treasury.

SKIMMED MILK CHEESE.

Sec. 4755. Prohibits the manufacture or sale of any article known or denominated cheese not made from pure cream or skimmed milk or cream of milk unless such article shall be branded or labeled with black letters not less than one inch in length in a conspicuous place and of large size in the English language as follows: "Skimmed milk cheese," or with the words "Not full cream cheese," giving the true name of such article called cheese and clearly and indelibly labeled thereon.

"FULL CREAM" AND "SKIMMED MILK" CHEESE DEFINED.

Sec. 4756. Cheese manufactured or sold at wholesale or retail made from milk or cream of the same, which tests not less than 3 per cent of butter fat, shall be deemed to be "full cream cheese"; and cheese manufactured or sold from milk or cream of the same testing less than 3 per cent of butter fat shall be deemed to be "skimmed milk cheese" or cheese not made from pure unskimmed, unadulterated milk or cream of the same.

Sec. 4757. For a violation of Sections 4755 and 4756, it is a misdemeanor punishable by a fine of not less than \$10 nor exceeding \$500, or confinement in the county jail not exceeding one year, or both.

Sec. 4758. Prevents the consignment or shipping by common carriers of any substances designed to be used as cheese, not made from pure unskimmed milk or cream of the same, testing at least 3 per cent butter fat, unless such cheese is marked or labeled "Skimmed milk cheese," or with the words "Not full cream cheese" labeled thereon; provided, this article shall not apply to any goods in transit between foreign states across the state of Missouri. Any person violating this section shall be deemed guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500.

Sec. 4759. Contracts made in violation of this act are non-actionable.

Sec. 4760. It is a misdemeanor to efface or remove or cancel any marks or labels on any such article or cheese with intent to mislead punishable by a fine not less than \$50 nor more than \$500.

Sec. 4761. The State Board of Agriculture is charged with the enforcement thereof. Actions under this article may be brought by information or indictment in any court of competent jurisdiction.

BAKING POWDER.

Sec. 2286. It is unlawful for any person to manufacture or sell any article or compound for the purpose of being used in the preparation of food in which there is any arsenic, calomel, bismuth, ammonia or alum.

Sec. 2287. It is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$100 to be paid into and become a part of the road fund in the county in which such fine is collected.

UNWHOLESOME FOOD.

Sec. 2266. Every person who shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughtered while diseased, or shall sell the flesh of one animal knowing it to be of another species, or shall sell unwholesome bread or drink without making the same fully known to the purchaser; and any butcher who shall sell the meat of any calf killed before it had attained the age of six weeks shall be deemed guilty of a misdemeanor and punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding one year.

Sec. 2269. Every person who shall adulterate anything intended for food or drink or any drug or medicine is guilty of a misdemeanor.

OLEOMARGARINE.

Sec. 2276. Prohibits the manufacture out of any oleaginous substance or compound of the same resembling butter, manufactured from cattle fat or hog fat or substance known as oleomargarine, oleo, oleomargarine oil, butter-

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ine, lardine, suine and neural, all lard extracts and tallow extracts, and all mixtures and compounds of tallow, beef fat, suet lard, lard oil, vegetable oil, annatto, and other coloring matter, intestinal fat and offal fat other than that produced from unadulterated milk or cream from the same, of any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream from the same, or any article made in imitation of butter, unless the manufacturer shall pack said imitation butter in firkins or other packages with the true name clearly and indelibly branded or labeled thereon; and whoever shall sell as an article of food such an imitation unless said imitation is properly packed as aforesaid and marked as aforesaid shall be guilty of a misdemeanor and be confined in the county jail not exceeding one year, or fined not exceeding \$1,000, or both.

Sec. 2277. Any hotel or boarding house keeper in this state who shall set before his guests any compound resembling butter manufactured from cattle fat, or hog fat, or such other article known to the trade as oleomargarine, and shall not clearly and legibly mark the vessel in which the same is served with the words "oleomargarine," or "impure butter," shall be guilty of a misdemeanor and fined not less than \$100 nor more than \$500.

CANDIES.

Sec. 2279. Prohibits the manufacture or sale of any candy by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Sec. 2280. Whoever violates the provisions of section 2279 shall be fined not less than \$50. The candy so adulterated shall be forfeited and destroyed.

Sec. 2281. Prosecuting attorneys shall appear for the people and prosecute complaints under section 2279 in all the courts of their respective counties.

VINEGAR.

Sec. 2282. Any person who manufactures or sells as cider vinegar any vinegar not the legitimate product of pure juice known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs, or acids have been introduced, as may appear in the proper tests, shall be deemed guilty of a misdemeanor and be punished for every offense by a fine of not less than \$50 nor more than \$100 and costs, or by imprisonment in the county jail not to exceed 90 days.

Sec. 2283. Vinegar sold, offered for sale or

delivered shall be without artificial coloring or flavoring, and no person shall sell, exchange or deliver or have in his possession with intent to sell any vinegar labeled or branded as cider vinegar, or as apple vinegar which is not the legitimate product of pure apple juice, or not made exclusively from apple cider.

Sec. 2284. Every person making or manufacturing apple cider or fruit vinegar for sale shall brand on both heads of each cask, barrel or keg containing same the name and location of the manufacturer or firm, and also the name of the fruit out of which the vinegar is made; and where there are inspectors of fruit products vinegar shall be one of the articles under supervision of such inspectors, who shall have power to inspect and seize any that may be found fraudulent or in violation of sections 2282, 2283, 2284, or 2285.

Sec. 2285. No vinegar shall be branded "fruit vinegar" unless the same shall be made wholly from apples, grapes, or other fruits; and any person who shall knowingly brand, label or sell as "fruit vinegar" any vinegar not made wholly from apples, grapes, or other fruits, in violation of the foregoing section shall be guilty of a misdemeanor and punished as provided in section 2282.

LIQUORS.

Sec. 2278. Any person who shall adulterate by the use of strychnine or any other poisonous liquids or ingredients, any spirituous, fermented, malt or vinous liquors, or sell any such liquors by retail or wholesale adulterated as aforesaid, with knowledge thereof, shall be deemed guilty of a felony, and upon conviction be punished by imprisonment in the penitentiary not exceeding five years.

USE OF IMPURE BARRELS.

Sec. 2267. It is unlawful to use any barrel, lard tierce, preserve or butter tub once used for the purpose of storing or packing any article of human food therein, unless the same has been thoroughly cleaned or scoured before its subsequent use.

ALCOHOLIC BEVERAGES.

2288. Adulterated Hops, Malt, or Yeast in Beer; Penalty. No substitute for hops or the pure extract of hops, or of pure barley malt or wholesome yeast shall be used in the manufacture of ale or beer in this state, and all ale or beer shown to contain any substance used as a substitute for hops, or pure extract of hops, or pure barley malt or wholesome yeast, is hereby declared adulterated. Whoever manufactures for sale any ale or beer adulterated as referred to in this section, or sells or offers to sell any such ale or beer, knowing it to be adul-

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THE BEST ON EARTH OR ANYWHERE ELSE



BLANKE'S
FAUST BLEND
COFFEE

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TEA & COFFEE CO.
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The dealer who handles Blanke's Coffees, Teas, Spices, Baking Powder, Extracts, etc., can serve more customers in less time than the dealer who doesn't. Quality. Everybody knows it.

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terated as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than five hundred and not more than five thousand dollars, or by imprisonment in the county jail not less than one month nor more than six months, or by both such fine and imprisonment.

2289. **Liquor Dealers' Oath and Bond.** It shall not be lawful for any person or persons to sell or offer to sell any spirituous, fermented, malt or alcoholic liquors within this state until he, she or they shall first appear before the county court clerk of the county where such liquors are to be sold or offered for sale, and take and subscribe an oath not to mix or adulterate, with any substance whatever, the liquors offered for sale, and give bond in the sum of five hundred dollars, with good and sufficient surety, for the payment of all costs arising from prosecutions for violations of the provisions of this article in relation to the adulteration and sale of intoxicating liquors.

2290. **Liquor Manufacturers' Oath.** It shall not be lawful for any person or persons to manufacture or rectify any spirituous, fermented, malt or alcoholic liquors within the limits of this state until he, she or they shall first appear before the county court clerk of the county where such liquors are proposed to be manufactured or rectified, and take and subscribe an oath not to adulterate, or suffer to be adulterated, any liquors manufactured or rectified by themselves or agents.

2291. **Liquor Dealers' Affidavit.** Before any person or copartnership of persons shall be authorized to sell intoxicating liquors he, she or they shall file with the clerk of the county court, in the county where it is desired to sell the same, an affidavit to the following effect, to wit:

I, A B, do solemnly swear that I will not mix or adulterate, with any poisonous substance whatever, any distilled or fermented liquors, or any composition of which distilled or fermented liquors form a part, nor will I mix the different kinds of liquors together for the sake of profit, nor dilute the same with water, nor will I permit the same to be done.

2292. **Penalty.** If any person or persons shall sell any spirituous, fermented, malt or alcoholic liquors in violation of or without complying with the three next preceding sections, he or they shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine of not less than fifty nor more than five hundred dollars.

2293. **Druggists, etc., Exempt.** Nothing herein shall be so construed as to prevent druggists, physicians or persons engaged in the mechanical arts from mixing and adulterating

liquors for medicinal or mechanical purposes to be by them used in their business.

2294. **Summons by Grand Jury.** The grand jury may send for persons or papers in cases where they may be of the opinion that any person or persons have been guilty of violating any of the provisions of sections 2278, 2279, 2288, 2289, 2290, 2291, 2292 and 2293.—Revised Statutes, 1899, vol. 1, 632.

7682. (Sec. 1.) **Appointment of Inspector of Beer and Malt Products.** There is hereby created the office of beer inspector which shall be filled by appointment by the governor by and with the consent of the senate, within thirty days after the taking effect of his act, an inspector of beer and malt products, who shall serve for a term of four years and until his successor is duly appointed and qualified. He shall be an expert beer brewer and a citizen of the United States and of this state for more than two years next prior to his appointment. He shall give a bond in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of the duties of his office.

7683. (Sec. 2.) **Deputies and Clerical Help.** Said inspector shall, with the approval of the governor, appoint such deputies as may be required to carry out the provisions of this article, not to exceed four in number, and such clerical help as may be necessary. Said deputies shall each receive for their services the sum of fifteen hundred dollars per annum, and said inspector shall receive the sum of three thousand dollars per annum, all salaries and expenses to be paid out of the sums of money now, or that may hereafter be, appropriated for said purpose.

7684. (Sec. 3.) **Inspection of Beer Obligatory.** Every person, persons or corporation who shall erect or keep a brewery for the manufacture or brewing of beer or other malt products within this state, for the purpose of offering the same for sale, shall cause the same to be inspected by the said state inspector.

7685. (Sec. 4.) **Use of Chemicals, Unwholesome Yeast, etc., Prohibited.** No person, persons or corporation, engaged in the brewing or manufacture of beer or other malt liquors, shall use any substance, material or chemical in the manufacture or brewing of beer or other malt liquors, other than pure hops or pure extract of hops, or of pure barley, malt, or whole-some yeast, or rice.

7686. (Sec. 5.) **Imported Malt Liquors to be Inspected and Affidavit Made as to Purity; Labels and Fees.** Every person, persons or corporation who shall receive for sale or offer for sale any beer or other malt liquors other than those manufactured in this state shall, upon

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That have become household necessities, and can be relied upon as superior to other makes in point of purity and excellence.

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EDDY'S SALAD MUSTARD.
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 EDDY'S TOMATO CATSUP.
 EDDY'S WORCESTERSHIRE SAUCE.
 EDDY'S FRENCH MUSTARD.
 EDDY'S PURE SPICES.
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 EDDY'S HOUSEHOLD AMMONIA.
 EDDY'S COMBINATION TAN POLISH.
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 EDDY'S TAPIOCA. EDDY'S CORN STARCH.
 EDDY'S VINEGAR. EDDY'S PEPPER SAUCE.
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receipt of same, and before offering for sale, notify the inspector, who shall be furnished with a sworn affidavit, subscribed by an officer authorized to administer oaths, from the manufacturer thereof, or other reputable person having actual knowledge of the composition of said beer or other malt liquors, that no material other than pure hops or the extract of hops, or pure barley, malt or wholesome yeast, or rice, was used in the manufacture of same; upon the receipt of said affidavit, the inspector shall inspect and label the packages containing said beer or malt liquors, for which services he shall receive like fees as those imposed upon the manufacturers of beer and malt liquors in this state.

7687. (Sec. 6.) Records and Report of Inspector. The inspector appointed under this article shall provide himself with an office, and shall record on books kept for that purpose the names and places of business of all persons engaged in the manufacture, brewing and sale of beer and malt liquors. He shall keep a record of all beer and malt liquors manufactured, brewed or sold and the amount produced by each brewery or manufacturer, or sold by dealer. He shall keep a record of all fees collected and all expenditures incurred, and shall make a full and complete report of the same to the governor upon the first day of each year.

7688. (Sec. 7.) All Malt Products to be Inspected and Labeled. It shall be the duty of each inspector to cause to be inspected all beer or other malt liquors brewed or manufactured or sold in this state, and if he shall find that such beer or other malt liquor has been made from pure hops or the pure extract of hops, or of pure barley, malt or wholesome yeast, or rice, to place upon the package containing such beer or malt liquor his label, certifying that the same has been inspected and made from wholesome ingredients.

7689. (Sec. 7a.) State Treasurer to Furnish Labels, etc. It shall be the duty of the state treasurer upon the taking effect of this article to provide suitable and inimitable state certificates and labels for this inspection, gauging and labeling having on each proper places for countersigning by the state treasurer and inspector, and shall safely keep the same together with the plates used in making them, when not in actual use. The state treasurer shall from time to time, upon demand, deliver the aforesaid labels to the inspector, taking therefor his receipt, and shall charge said inspector with the same; and shall from time to time as said inspector makes returns of moneys collected in the course of his inspection credit said inspector's account with such sums, and

shall keep a true and correct book account of his dealings with said inspector.

7690. (Sec. 7b.) Fraudulent Use of Inspector's Labels; Penalty. It shall be unlawful for any person to attempt to make or make, to attempt to sell or sell, or attempt to use or use any of the certificates or labels or both provided for by this article, or imitations thereof, except such persons as by law are allowed to make, sell and use the same, and any person so offending shall be deemed guilty of a felony, and, upon conviction, be punished by imprisonment in the penitentiary for a term not to exceed five years.

7691. (Sec. 8.) Inspector's Fees; "Package" Defined. The inspector shall be entitled to receive for inspecting and gauging one cent for each gallon contained in each package, and two cents for labeling each package. All fees received by the inspector shall be paid into the state treasury. The word package, as used in this article, shall be construed to mean any vessel of any kind other than pint and quart bottles in which any beer or malt liquor may be placed for sale, containing eight gallons or less; when said beer or malt liquors are placed in pint or quart bottles, a package, as used in this article, shall be construed to mean not to exceed forty-eight pint bottles or 24 quart bottles of beer or malt liquors, which, when manufactured and so bottled must, before sale, be placed in suitable cases containing said number and size of bottles, for inspection and stamping by said state inspector; and when said beer or malt liquors shall be placed in vessels containing more than eight gallons, the word package shall be construed to mean each eight gallons or fractional part thereof so contained in said vessel.

7692. (Sec. 9.) Expenses. Salaries, etc.; Disposal of Fines. The expense of said office, including the salaries of the inspector and his deputies, shall be paid monthly out of the amount appropriated by law from the general revenue fund on warrants drawn by the state auditor on vouchers approved by the inspector, and all fees received by the inspector under the provisions of this article shall, on or before the last day of each month, be paid into the state treasury by said inspector, and shall be placed to the credit of the general revenue fund.

7693. (Sec. 10.) Sale of Uninspected Malt Products: Penalty. Any person who shall sell any beer or malt liquors within this state which has not been inspected according to the provisions of this article, or contained in packages which shall not have upon them the certificate of the state inspector, or any person shall fail to destroy said certificate or label after the

Schotten's STANDARD ROASTED COFFEES

All Roasted Coffees packed under our name are natural dry roast, free from manipulation and "doping," which practice we claim impairs their drinking qualities.

Schotten's PURE GROUND SPICES.

Our Ground Spices are warranted as represented. PURE, without any mental reservation, and can be sold with impunity in all States where there exist the most stringent pure food laws.

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FANCY VINEGARS
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ST. LOUIS, MISSOURI

contents of said package are disposed of, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period of not less than six months, and in addition thereto shall have his license or other authority, giving him the right to manufacture or sell said liquors in this state revoked, and shall not again receive any such license or other authority for a period of two years thereafter.

7694. (Sec. 11.) Punishment of Delinquent Inspector. If any inspector shall fail to perform any of the duties imposed upon him by this article, or shall in any manner violate any of the provisions thereof, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not less than thirty days and by a fine not exceeding one thousand dollars, and if any said inspector shall fail to faithfully perform the duties enjoined upon him by this article he may be removed from office by the governor.

7695. (Sec. 12.) Prosecutions. All prosecutions for fines and penalties under the provisions of this article shall be either by indictment or information in any court of competent jurisdiction; and when collected shall be paid one-fourth to the informer and three-fourths into the fund for the construction of public roads and highways in the county in which said offense may have been committed and prosecution begun.

7696. (Sec. 13.) Inspection of Exported Malt Products. All beer or other malt liquors manufactured in this state and exported outside of the state for sale, shall be inspected as other liquors designated in this article, but said inspection shall be free of cost to manufacturer.

7697. (Sec. 13a.) Duplicate Bill of Lading to be Furnished by Transportation Companies; Penalty. Every railroad, express or transportation company, shall, when requested, furnish to the inspector a duplicate bill of lading or receipt showing the name of the consignor and consignee, date, place received, destination and quantity of beer or malt liquors received by them for shipment to any point within this state. Upon failure to comply with the provisions herein, said railroad, express or transportation company shall forfeit and pay to the state of Missouri the sum of fifty dollars for each and every failure, to be recovered in any court of competent jurisdiction. The inspector herein provided for, is hereby authorized and

empowered to sue in his own name at the relation and to the use of the state. The penalties collected shall be paid into the state treasury.

(Sec. 14.) Appropriation. There is hereby appropriated out of the state treasury, chargeable to the general revenue fund, for the years 1899 and 1900, for the pay of the inspector, six thousand dollars; for the pay of four deputies, twelve thousand dollars; for rent, stationery, fuel, printing, and such other things as may be necessary for the transaction of the business of said inspector, the sum of six thousand dollars.—Approved, May 4, 1899, Laws 1899, pp. 228-231 (Revised Statutes, 1899, vol. 2, pp. 1792-1795).

DRUGGISTS.

Sec. 3042. Every registered pharmacist, apothecary, or owner of any drug store shall be held responsible for the quality of all drugs, chemicals and medicines he may sell or dispense, with the exception of those sold in original packages of the manufacturer, and also those known as "patent medicines"; and should he adulterate such drugs, chemicals or medical preparations, he shall be deemed guilty of a misdemeanor and be liable to a penalty not exceeding \$100, and in addition thereto have his name stricken from the register.

Sec. 6127. All cities are empowered to provide by ordinance for the inspection of all living animals intended as human food within such cities.

Sec. 6165. All cities may provide by ordinance for licensing and regulating the conduct of milk dairies, and the sale of milk and the inspection thereof.

FLOUR.

Sec. 10578. A barrel of flour shall consist of 196 pounds, net. A sack of flour shall consist of 98 pounds, net; a half sack of flour of 48 pounds, net; and a quarter sack of flour of 24 pounds, net. Prohibits manufacturers or dealers selling flour in barrels, sacks, or half sacks, or quarter sacks, containing a less amount than specified above. Before any barrel, sack, half sack or quarter sack of flour shall be sold the number of pounds contained therein shall be labeled or stamped thereon. Any person who shall sell any package which shall be stamped or labeled with a greater number of pounds net than such package actually contains, or contrary to the provisions of this section, shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than \$10 nor more than \$100.

DECISIONS OF THE SUPREME COURT OF MISSOURI ON FOOD LAWS.

UNWHOLESOME FOOD. The wilful exposure of unwholesome provision for sale in a public open market is a punishable offense. *State vs. Snyder*, 44 Mo. App. 429.

UNWHOLESOME PROVISIONS. EXPOSURE. It is a criminal offense to expose unwholesome provisions for sale as food unless the fact that they are unwholesome is not known to the person who so exposes them. *State vs. Snyder*, 44 Mo. App. 429.

DECEITFUL NATURE OF ARTICLE. It is immaterial whether the article can be easily detected or not, or whether it is apt to deceive. *State vs. Addington*, 77 Mo. 110.

***ALUM BAKING POWDER. CONSTITUTIONALITY.** An act which makes it "unlawful for any person or corporation doing business in this state, to manufacture, sell or offer to sell any article, compound," etc., "for the purpose of being used in the preparation of food in which * * * there is any arsenic, calomel, bismuth, ammonia or alum" is not unconstitutional. And the fact that the baking powder which it suppresses has been long in public use and there is an open question as to its injuriousness to public health makes no difference. *State vs. Layton*, 160 Mo. 474.

BAKING POWDERS. The act of May 11th, 1899, regarding the sale of alum baking powder is within the police power and it is held that alum baking powder is not so universally and widely recognized as wholesome and innocuous that a court will take judicial notice of the fact that it is so wholesome and innocuous. *State vs. Lyton*, 160 Mo. 474.

LIQUORS. The revised statute of 1899, Sec. 3887, makes the adulteration of liquor a felony, and the revised statute of 1899, Sec. 3890, makes it unlawful to sell liquor without taking an oath and giving a bond not to adulterate it. Held "that it is an offense to either sell liquor without a bond or sell adulterated liquor under this act. *State vs. Crowley*, 37 Mo. 399.

LIQUORS. Under a statute allowing druggists and physicians to mix and adulterate liquors for medical or mechanical purposes it is necessary that they comply with the statute that requires that persons selling alcoholic liquors or dealing in them must take an oath against adulteration. *State vs. Ferguson*, 72 Mo. 297.

LIQUORS. The law which prohibits the manufacture of beer or malt liquors from "any substance, material, or chemical, other than pure hops, or pure extract of hops, or pure barley,

malt or wholesome yeast, or rice" is held to be accurate enough even though it does not name water as a proper material to be used. *State vs. Bixman*, 162 Mo. 1.

MILK. It is a valid exercise of the police power to prohibit the sale of milk containing less than 12 per cent of milk solids. *Kansas City vs. Cook*, 38 Mo. App. 660.

IMITATION BUTTER. Sec. 2, Laws of 1895, p. 26, prohibits the manufacture or sale of imitation butter. It is immaterial in a prosecution under the act that another section of the same act providing for the punishment of any subsequent offense as far as the guilty defendant is concerned is unconstitutional. The provisions of the act with regard to the first and subsequent offenses are not inseparable. A person convicted of selling substitutes for butter colored yellow under section 2 can not avail himself of a plea that Sec. 5 regarding imitation butter and requiring it to be marked in a manner therein prescribed is unconstitutional. *State vs. Bockstruck*, 136 Mo. 335.

It is within the police power of the state to prohibit the manufacture and sale of imitation butter. *Id.*

Sec. 8, Laws of 1895, p. 26, regarding imitation butter, does not contravene Sec. 53 of Art. 4 of the constitution regarding the "changing of rules of evidence in any judicial proceeding or inquiry before courts" because it provides that a person having in his possession or control any imitation butter shall be held to have it so with intent to commit a public offense. *Id.*

Sec. 2 of the Act is held to embrace Sec. 5 which requires imitation butter to be marked in a certain manner therein prescribed. *Id.*

IMITATION BUTTER. VALIDITY OF STATUTE. The unconstitutionality of one provision of an Act that fines imposed thereby shall be paid into the state treasury instead of the school fund does not render unconstitutional the provisions imposing a fine for the manufacture, sale, keeping for sale, and fraudulent use of imitation butter. *State vs. Newell*, 140 Mo. 282.

OLEOMARGARINE STATUTES. A statute which absolutely prohibits the manufacture or sale of any compound designed as a substitute for butter, however wholesome, valuable, or cheaper, and however openly and fairly the character of the substance may be avowed and published, is constitutional. *State vs. Addington*, 77 Mo. 110, 12 Mo. App. 217.

OLEOMARGARINE. It is within the police

*On Dec. 23, 1902, the U. S. Supreme Court dismissed the writ of error in this case on the ground that no Federal question had been raised in the trial court.

power of the state to prohibit the sale of any imitation of butter or cheese. *State vs. Addington* 77 Mo. 110; 12 Mo. App. 214.

OLEOMARGARINE. When the statute prescribes that nothing therein shall be construed to prohibit the use of salt rennet, or harmless coloring matter for coloring substitutes for butter manufactured for sale or export outside the state, an information which charges the defendant with selling a combination of animal fat with butter which resembles genuine butter, and is

colored yellow by combining it with some foreign coloring matter, need not negative the exception in the statute. *State vs. Stocker* 80 Mo. App. 354.

Under the statute of March 24, 1881, regarding the manufacture and sale of oleaginous substances for food it is held that an intention to deceive is not an essential element of the offense, but that the act prohibits the manufacture or sale of the articles mentioned without regard to intention to commit the offense. *State vs. Addington*. 77 Mo. 110.

THE DAIRY AND FOOD LAWS OF MONTANA.

The State of Montana has no Food or Dairy Commission, nor is any department of state directly charged with the enforcement of the laws on the subject of adulteration of articles of food and drink, but the legislature of 1901 has provided for the appointment of Meat and Milk Inspectors by cities having 5,000 inhabitants or more, and passed laws which it is their duty to enforce in regard to the production and sale of meat and milk, as hereinafter set out. These inspectors have supervisory powers over these articles of food for their respective municipalities, and are charged with the enforcement of the law regarding them therein.

A digest of the Dairy and Food Laws of this state is as follows:

ADULTERATION OF FOOD, ETC.

Sec. 682. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with intent to offer or cause or permit it to be offered for sale as undiluted or unadulterated, is guilty of a misdemeanor.

Sec. 684. Every person who manufactures, offers or exposes for sale, or possesses with intent to sell, any article or substance in semblance of butter or cheese, not the legitimate product of the dairy, and not made exclusively of milk or cream, or into which the oil or fat of animals not produced from milk enters as a component part or has been introduced to take the place of cream, must distinctly stamp, brand or mark in some conspicuous place upon every tub, firkin or package of such article in plain letters not less than one-quarter inch square each the words "Oleomargarine" or "Imitation cheese," as the case may be, and in retail sale of such articles in parcels or otherwise the deal-

er must deliver to the purchaser a printed label bearing the plainly printed words "Oleomargarine" or "Imitation cheese," as the case may be.

Any person selling any article described in section 2, and every hotel, restaurant or boarding-house keeper keeping or using such article in his business must continually and conspicuously keep posted up in not less than three exposed positions about his place of business a notice in the following words: "Oleomargarine," or "Imitation cheese" "sold (or used) here." Which notice must be printed in letters not less than two inches square each, and he must upon furnishing the said article to his customers or guests, if inquiry be made, inform them that the article furnished is not butter or cheese, the genuine product of the dairy, but is oleomargarine or imitation cheese.

Sec. 686. Every person or corporation violating any of the provisions of the last two preceding sections is punishable by imprisonment in the county jail not exceeding one month, or by fine not exceeding \$100.

IMPURE MILK.

Sec. 1095. Every person who keeps a cow or animal for the production of milk in a crowded or unhealthy place or diseased condition, or feeds such cows or animals upon any food that produces impure or unwholesome milk, is punishable by imprisonment in the state prison not exceeding three months or by fine not exceeding \$200, or both.

LICENSES TO SELL OLEOMARGARINE. POLITICAL CODE.

Sec. 4064. Provides, among other things, paragraph 13, that every person, company or corporation selling oleomargarine, butterine or

imitation cheese, shall pay a license of ten cents per pound for all these articles sold.

Sec. 652. Provides that proprietors of pharmacies shall be held responsible for the quality of drugs and medicines and chemicals sold at their respective places of business, except patent or proprietary preparations, and articles sold in original packages of the manufacturer. Any person who shall willfully adulterate or alter or permit to be adulterated, any drug or medicine, or sell or offer for sale such adulterated article, or cause to be substituted one material for another, with intent to defraud or deceive the purchaser, shall be guilty of a misdemeanor and liable to prosecution therefor.

ADULTERATED CANDY.

PENAL CODE.

PAGE 151, SESSION LAWS OF 1899.

Sec. 1. Provides that section 702, Title X, of the Penal Code of Montana is amended to read in substance as follows:

Sec. 702. Every person who shall by himself, his agent or servant, or as agent of another person, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or other mineral substance, by poisonous colors or flavors, or other ingredients deleterious to health, is guilty of a misdemeanor.

Sec. 2. This act shall be in force and effect after its passage and approval by the governor.

Sec. 3. Repeals all acts in conflict herewith. Approved Feb. 22, 1899.

BILL NO. 45.

LAWS OF 1901, PAGE 66.

MEAT AND MILK INSPECTOR.

Sec. 1. Creates the office of Meat and Milk Inspector for cities having a population of 5,000 inhabitants or over. Such cities shall immediately upon the taking effect of this act appoint a Meat and Milk Inspector, whose compensation shall be borne by said cities, and shall be such as will secure the services of some qualified person. No person shall be appointed to the office of Meat and Milk Inspector unless he is a graduate in good standing of some regular and reputable veterinary medical college recognized by the American Veterinary Medical Association, and admitted to practice within the State of Montana, and he shall be required before appointment to exhibit his diploma.

Sec. 2. It is the duty of councils of cities having a population required by this act to designate some place in or adjacent to such city where the cattle, sheep, swine or other domestic animals intended for slaughter, sale and consumption for food in said cities, shall be brought for inspection on hoof, or where the

meat of such animals may be brought for inspection, which inspection shall be made without unnecessary delay, and no fee shall be demanded of the owner or person presenting any such animal or meat intended for food for inspection, but same shall be inspected free of any expense whatever to the owner thereof. It is made the duty of such inspector to keep a correct record in a book provided by the municipality for that purpose, in which he shall record the name, place or residence and postoffice address of the owner of such animals intended for food, or the carcasses or parts of carcasses presented for inspection, together with the brands and marks and a full description thereof.

SUBDIVISION 2.

The rules, regulations and methods adopted by the United States Government shall be taken as a standard of meat inspection, and shall be followed as closely as may be consistent by the said Meat and Milk Inspector.

SUBDIVISION 1.

Sec. 3. Provides that all animals intended to be slaughtered for meat for human consumption shall be examined before and after slaughtering.

SUBDIVISION 2.

Carcasses of animals inspected on hoof shall be properly tagged and marked with the official tag or mark of such municipality before being offered for sale, and the carcass of any such animal not inspected on hoof shall be inspected before being offered for sale, and if same is found wholesome and fit for food it shall be marked as above mentioned by the inspector with a tag similar in form and character to that used by the Bureau of Animal Industry, Department of Agriculture, which tag shall be adopted and designated by the city council of such municipality as the city stamp or certificate for the designation of wholesome and healthy meat. Provided, nothing herein shall be construed to prevent any person from slaughtering any healthy animal, the meat of which is intended for use by himself or his family, but not to be offered for sale or public consumption.

Provided, further, that nothing herein shall be construed so as to permit any person to slaughter or offer for sale any meat intended for domestic consumption before being inspected, except when such slaughtering may be conducted in a locality inaccessible to said Meat and Milk Inspector.

Sec. 4. It is the inspector's duty to make inspection of the meats, carcasses and animals mentioned in this act which may be presented for inspection at the place designated by the

municipal council, and keep a record in the manner as aforesaid, which inspection shall be made by him as soon as possible and without unnecessary delay, and he shall attach to all such meats so inspected and found wholesome and fit for consumption the tag above mentioned, indicating that fact.

Sec. 5. The Meat and Milk Inspector appointed as aforesaid has the right to condemn any meat, carcass or parts thereof of all cattle, sheep, swine or other domestic animals intended for food, which he shall find after examination to be unfit for food, and it shall be his duty to destroy all condemned meat by slashing said meat and muscular tissue in numerous places with a knife, into which he shall then pour sufficient kerosene to taint such meat and make it impossible to be used for human consumption.

Sec. 6. It shall be unlawful to sell or offer for sale or give away for the purpose of food any animal suffering from hog cholera, swine plague, charbon, anthrax, rabies, malignant epizootic, catarrh, pyaemia and septocaemia, mange, scab in advanced stages, advanced stages of actinomycosis, lumpy jaw, inflammation of the lungs, the intestines or the peritoneum; Texas fever, extensive or generalized tuberculosis, animals in advanced stages of pregnancy or which have recently given birth to young, any disease or injury causing elevation of temperature or affecting the system of the animal to a degree which would make the flesh unfit for human consumption; any organ or part of the carcass which is badly bruised or affected with tuberculosis, actinomycosis, cancer, abscess, suppurating sore or tape worm cysts, animals too young or immature to produce wholesome meat; distemper, glanders, farcy or any other malignant disorder; acute inflammation, lameness and extensive fistula.

Sec. 7. Any person, company or corporation which shall sell or offer for sale, buy or offer to buy, take or give away within the limits of said cities any carcass or portions thereof of any cattle, sheep or swine or other domestic animals which has not been inspected and tagged as herein required, except as herein stated, or shall violate any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof punished by a fine of not less than \$50 nor more than \$500 for each separate offense.

Sec. 8. Nothing in this act nor any part thereof shall be construed to interfere with the offering for sale of any meats bearing a stamp or tag indicating that the same has been inspected by the United States Bureau of Animal Industry, or any state, county or municipal meat inspector where regulations equal to those

herein prescribed are observed. Provided, that if there is any reason to believe that such meat is in a putrid, decaying or unwholesome condition it shall be the inspector's duty to inspect such meat when complaint is made to him relative thereto, and should he find such meat in a putrid, decaying or unwholesome condition it shall be his duty to destroy such meat as herein provided.

INSPECTION OF MILK AND DAIRIES.

Sec. 9. Provides it is the duty of said Meat and Milk Inspector to inspect each dairy supplying milk to such municipality not less than once in every month in the calendar year. It shall be his duty to issue to each person and corporation supplying milk to citizens of such municipality a certificate of health every 90 days, which shall include a certificate of the sanitary condition of said dairy and specify each and every cow within said dairy from which milk is supplied to the public.

Sec. 10. Provides it a misdemeanor for any dairyman, person or corporation to feed unwholesome food and provides a fine therefor of not less than \$50 nor more than \$500. Any dairyman, person or corporation supplying milk to the public must have for each cow a certificate of health, including the tuberculin test made by the said inspector, stating that said cow is free from tuberculosis or consumption or any infectious or other diseases.

SUBDIVISION 2.

Any dairyman having in his own family or among his employees or about his premises anybody suffering from diphtheria, scarlet fever, typhoid fever, or any infectious or contagious disease that may or might contaminate said milk, is prohibited from selling said milk to the public for such period as such disease exists there as aforesaid, and until said inspector satisfies himself that such premises have been thoroughly disinfected and issues a certificate so stating.

Sec. 11. The milk supplied by said dairies shall not contain less than 3 per cent of butter fats or less than 12 per cent of total milk solids, and shall come up to the normal specific gravity test for milk not less than 1025.

Sec. 12. It shall be the duty of said inspector to prohibit any person from selling milk unless proper cleanliness in buckets, pails, cans and other utensils used about said milk is observed.

Sec. 14. Provides that it is the duty of said inspector to stop at any time he sees fit any wagon, cart or other vehicle, or person, hauling, carrying or conveying milk intended for public consumption, and then and there take cognizance of any irregularity in such milk or the

method of hauling or distributing same. He shall ascertain if it be up to the regular standard, and if he find it deficient in any nutritive qualities, or containing any drug or preservative or coloring matter or other extraneous matter he shall then and there condemn such milk, and such dairyman or person whose product shall be condemned shall be prohibited from selling any milk until he receives a written permit from said inspector so to do. Provided, the inspector shall, if requested by such dairyman, take from the can of milk from which he shall have taken any quantity of milk for the purpose of testing the same, at least one pint of such milk, place the same in a bottle, adding sufficient formaldehyde to such milk to prevent fermentation, and seal and mark same in such a manner as to identify same, and deliver same to such dairyman, who may have said milk analyzed and tested by any chemist competent so to do that he may ascertain the correctness of the inspector's analysis of such milk. Provided, that at the time of taking such specimen for said dairyman and for said inspector a third specimen shall be taken by said inspector, consisting of not less than one pint of said milk, which shall be taken from the same can from which the other specimens were taken, and sealed in the presence of said dairyman or person, which specimen shall be forwarded to the chemist of the Agricultural Experiment Station at Bozeman for analysis, and said chemist shall in all cases when so requested by the dairyman or other person act as umpire in said chemical analysis.

Sec. 15. Any resident of this state who knows that any dairyman or other person is supplying milk from any diseased cattle, or cattle fed upon stable bedding, refuse or improper food, shall at once notify said inspector, who shall at once inspect the premises indi-

cated, and if he finds the complaint true he shall prohibit the further selling of the product of said dairy, and he shall at once file information against said dairyman or person in the nearest court.

Sec. 16. This act shall apply to all products of the dairy in any municipality to which this act applies, where sold in the state, county or any municipality to which the district covered by said inspector belongs.

Sec. 17. It is a misdemeanor to adulterate milk in any way likely to produce an unwholesome change or disease to the consumer, and such milk shall be prohibited from exposure for sale. Any violation of this act shall be a misdemeanor, punishable as herein mentioned within the meaning of this act. The use of any unnatural method for preserving or changing milk, excepting pasteurizing or sterilization, shall be a misdemeanor, and punished as provided by this act.

Sec. 18. Any city in this state having a population of less than 5,000 inhabitants shall have the option of adopting the sanitary provisions of this act. Provided, that it shall be unlawful to offer for sale, take or give away any meat from a diseased animal coming under the provisions of this act, or any milk from a diseased cow, or adulterated or chemically preserved milk, or milk containing any extraneous matter within the provisions of this act, within the state of Montana.

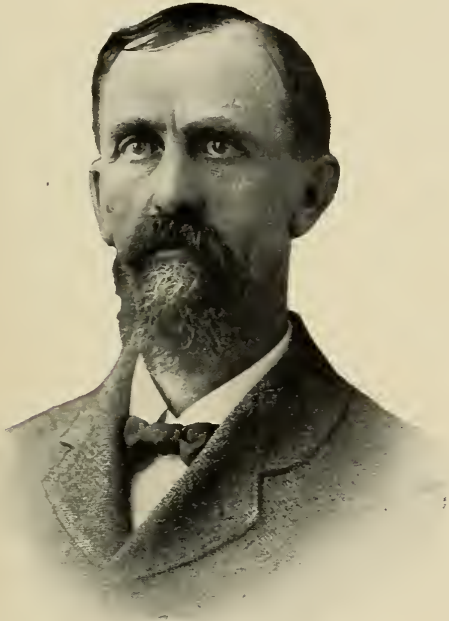
Sec. 19. Any violation of the provisions of this act shall be a misdemeanor, punishable by a fine of not less than \$50 nor more than \$500 for each separate offense.

Sec. 20. This act shall take effect from and after the first day of May, 1901.

Sec. 21. Repeals all acts and parts of acts in conflict herewith.

Approved March 14, 1901.





S. C. BASSETT,
Deputy Food Commissioner, Nebraska,
in charge Food Department.



J. M. NELSON,
Chemist Nebraska Food Commission.

NEBRASKA FOOD COMMISSION.

PURE FOOD LAWS OF NEBRASKA.

PURE FOOD LAWS OF NEBRASKA.

In the session of the General Assembly of the state of Nebraska held in 1899, an act was passed creating a food commission, and providing penalties for the violation of the pure food laws. The commission thus created, its powers and duties, and the laws which said commission is charged with enforcing, are in substance as follows:

NEBRASKA FOOD COMMISSION.

John H. Mickey, Governor, Food Commissioner
S. C. Bassett, Deputy Commissioner.
J. M. Nelson, Chemist.

Sec. 1, chapter 35, Statutes of Nebraska. There is hereby created a food commission, for which the usual facilities for transacting business shall be furnished the same as for other executive departments.

Sec. 2. The governor is made the food commissioner of said commission. He may appoint a deputy food commissioner at a salary of \$1,500 per annum and expenses. Said deputy commissioner shall file monthly with the auditor of public accounts an itemized account of expenses. Said deputy commissioner shall hold his office at the pleasure of the governor, and exercise equal power in the administration of food laws, subject to the approval of the governor. The deputy food commissioner shall be a person of standing and ability and knowledge concerning dairy and other food products.

Sec. 3. He shall give a bond in the sum of \$3,000 to be approved by the governor. He may employ a clerk at a salary not exceeding \$75 per month, and he shall make an annual report to the governor on or before the first day of November of each year concerning the condition of food and dairy interests of the state and his recommendations thereon.

Sec. 4. The food commissioner is charged with the enforcement of this act, and all laws concerning butter, cheese, "imitation butter," "imitation cheese," milk and cream, vinegar, cider, and all laws concerning dairy products, cider or vinegar, or imitations or adulterations thereof. The food commissioner shall have control over the subject of testing milk and cream and may make such regulations concerning such subject as he may deem reasonable and just. He shall have the power to establish a minimum standard of butter fat in milk and cream. Said commissioner and his officers shall have full access and ingress and egress to all creameries, cheese factories, skimming stations, cider manufacturing, vinegar manufacturing, farms, buildings, carriages, cars, vessels, packages and cans

used in the manufacture or sale of any such dairy product, cider or vinegar, or imitation thereof. They shall also have power and authority to open any package, can or vessel containing such dairy product, or article before specified, and may inspect same and take samples therefrom for analysis. A chemist analyzing same shall be allowed a reasonable fee not to exceed \$5 for each analysis, and his finding shall be *prima facie* evidence in all prosecutions under this act of the facts certified by him.

Sec. 5. Every person, excepting retailers, manufacturing or dealing in imitation butter or imitation cheese shall, on or before the 10th day of each month, on a blank provided by said food commissioner, make a report in writing showing the amount of imitation butter or imitation cheese sold by him during the month preceding, size of package used, to whom and when sold and the address of the purchaser, amount of every article on hand at the end of the month's business, and other items, in a manner required by said food commissioner, verifying same under oath; provided that the retailer shall not be required to state to whom sold nor the location of the purchaser.

Sec. 6. Every person who in any manner produces "imitation butter" or "imitation cheese," as herein defined, shall be considered a manufacturer thereof.

Every person who sells "imitation butter," or "imitation cheese" as defined herein shall be deemed a wholesale dealer therein.

Every person who sells "imitation butter" or "imitation cheese" in packages containing less than ten pounds each shall be deemed a retailer of same.

Every person buying, working and handling the product known as "store" or "dairy" butter and making out of same what is known as "ladle" butter or "factory" butter shall be deemed a manufacturer of "ladle" butter.

Every person buying or selling butter or cheese, or both, in original packages not of his own production, whether on commission or otherwise, shall be deemed a wholesale dealer therein.

Every person who manufactures or sells annually 50 or more barrels of cider as defined in chapter 3 of the session laws of 1897 shall be deemed a wholesale dealer therein.

Every person who sells or manufactures ten or more barrels of cider vinegar as defined in chapter 4 of the session laws of 1897 shall be deemed a wholesale dealer therein.

Every person who manufactures or sells annually fifty or more barrels of so-called "grain"

vinegar, "wine" vinegar, or "fruit" vinegar, as defined in chapter 4 of the session laws of 1897, shall be deemed a wholesale dealer therein.

A creamery is defined as "a factory where cream from milk with or without the addition of salt and coloring matter is churned into butter."

A cheese factory is defined to be "a factory where milk with or without the addition of salt, rennet and coloring matter is manufactured into cheese."

A "skimming station" is defined as "a place where milk from not less than five patrons is skimmed by machinery and the cream resulting therefrom is taken to a creamery to be churned."

Sec. 7. It is unlawful for any manufacturer, wholesale dealer or retail dealer in "imitation butter" or "imitation cheese," or both, to enter upon or engage in the business of producing, manufacturing, handling or selling "imitation butter" or "imitation cheese" without first procuring from the food commissioner an annual permit, describing the occupation and place of business of the person receiving the same, and conditioned for a faithful performance of the laws. *Provided*, that any manufacturer of "imitation butter" or "imitation cheese" who sells only "imitation butter" or "imitation cheese," or both, of his own production, at the place of manufacture into original packages, shall not be required to take out a permit as a wholesaler. It is unlawful for any person to manufacture "ladle" butter or to carry on the business as a wholesaler in butter or cheese, as a wholesale dealer in cider or in adulterations thereof, or in cider vinegar, or in so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar, or to operate any creamery, cheese factory or skimming station, or do any business in producing, handling or selling the products so made, without first securing from the food commissioner an annual permit describing the occupation and place of business as in the foregoing paragraph. All applications for permits shall be addressed to the food commissioner, verified by the applicant that he has not violated any of the provisions of this act. The food commissioner shall have the right at any and all times to inspect the premises, methods and processes of any creamery, cheese factory, skimming station, manufacturer of ladle butter, dealer in butter and cheese, manufacturer of cider or adulterated cider, or of vinegar, "grain" vinegar, "wine" vinegar, or "fruit" vinegar, wholesale dealer or dealer in adulterated cider or in cider vinegar, or in "grain" vinegar, "wine" vinegar, or "fruit" vinegar, manufacturer of imitation butter or imitation cheese, or wholesale or retail dealer within the provisions of this act or other

acts relating to dairy productions, cider or vinegar, or imitations thereof.

Sec. 8. For all the services performed in connection therewith, including the inspection, as provided herein, there shall be charged and collected annually as follows:

From each manufacturer of imitation butter or imitation cheese the sum of \$100; from each wholesale dealer therein \$50; from each retail dealer therein \$25; from each manufacturer or wholesale dealer in adulterated cider \$50; from each manufacturer or wholesale dealer in so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar \$50; from each manufacturer or wholesale dealer in cider \$15; from each manufacturer or wholesale dealer in cider vinegar \$15; from each creamery \$10; from each cheese factory \$10; from each skimming station \$1; from each manufacturer of "ladle" butter \$15; and from each wholesale dealer in butter or cheese \$10; payable in each case into the treasury of this state as provided by law in advance of the issuance of permits.

Sec. 9. If any person shall be convicted of a wilful violation of any of the provisions of this act, such conviction shall *ipso facto* work a revocation of said permit, and the same shall be void.

Sec. 10. County attorneys on the request of the food commissioner shall prosecute offenses arising under the provisions of this act.

Sec. 11. It is a misdemeanor to violate this act, punishable by a fine of not less than \$10 nor more than \$100. A failure to take out a permit as above described shall constitute in any of the above cases a separate and distinct offense for each day.

Sec. 12. The sum of \$5,000 is appropriated for carrying into effect the provisions of this act.

IMITATION BUTTER AND IMITATION CHEESE.

Sec. 1, chapter 78. Every article, substitute or compound other than that produced from pure milk or cream from the same, in resemblance of butter, and designed as a substitute for pure butter, is declared to be imitation butter; and every article, substance or compound made in resemblance of cheese, to be used as a substitute for cheese made from pure milk, or cream from the same, is declared to be imitation cheese. *Provided*, that the use of salt, rennet, or other harmless coloring matter for coloring the product of pure milk or cream shall not be construed so as to render such product an imitation.

Sec. 2. Prevents the coating, powdering or coloring with annatto or any other matter whatever of any substance as a substitute for butter

and cheese for the purpose of resembling pure butter or cheese, the product of the dairy. No person shall combine animal fat or vegetable oil or other substance with butter or cheese; or combine with annatto or compound with the same or any other substance containing the same, or any coloring matter, with imitation butter or imitation cheese as defined in section 1 for the purpose of imparting thereto a yellow color or any shade of yellow so that such imitation butter or imitation cheese shall resemble any shade of genuine butter or cheese; nor introduce coloring matter or any substance containing same into any of the articles of which the same is composed: *provided*, this act shall not prohibit the use of salt, rennet or harmless coloring matter for coloring the product of pure milk, or cream from the same.

Prevents the manufacture or sale of any imitation butter or cheese manufactured, compounded or produced in violation of this section, whether in this state or elsewhere.

Every tub, firkin or box containing imitation butter sold or offered for sale in violation of this section shall constitute and is hereby declared a separate and distinct offense on the part of the person selling or offering same for sale; and any person violating any of the provisions of this section shall be fined \$10 nor more than \$20 for each offense; *and provided further*, that this section shall not prohibit the manufacture and sale under the regulations hereinafter provided of substances designed to be used as a substitute for butter or cheese and not manufactured or colored as herein prohibited.

Sec. 3. Every person who lawfully manufactures any substance as a substitute for butter or cheese shall distinctly stencil upon the top and sides of such tub, firkin or other package thereof, in a plain, legible and durable manner, the words "imitation butter" or "imitation cheese," in plain Roman type, in the English language, in letters not less than one inch in length by one inch in width.

Sec. 4. No person shall ship, consign or forward by any common carrier, public or private, any substance as a substitute for butter or cheese, and no carrier shall knowingly receive same unless it be manufactured as provided in the foregoing section, or be consigned to the carrier and receipted for by its true name. *Provided*, this act shall not apply to any goods in transit between foreign states across the state of Nebraska.

Sec. 5. No person shall have in his possession or control any substance as a substitute for butter or cheese, unless the tub or package containing the same be marked as provided in section 3; *provided*, that this section shall not ap-

ply to persons using the same for actual consumption by themselves and family. Any person having in his possession or control substances herein prohibited, not marked as required, shall be presumed to have known of the true character and name of such product as fixed by this act.

Sec. 6. Prohibits the sale of any substance as a substitute for butter or cheese under the name or pretense that the same is butter or cheese; and also prohibits the sale as a substitute for butter or cheese of any substance, unless the purchaser is informed of such substitution, and unless there shall be delivered to the purchaser a statement clearly printed in the English language referring to the article sold in plain Roman type and stating that the same is a substitute for butter or cheese and the name and place of residence of the maker.

Sec. 7. No keeper or proprietor of any bakery, hotel, public institution, dining car, restaurant, saloon lunch counter, or place of public entertainment, or boarding house, shall keep or use as food any imitation butter or imitation cheese, as defined in section 1 herein, unless he shall display a card opposite each table in a conspicuous place in the dining room, eating room, lunch room, restaurant, hotel, etc., or place where such substance is so sold, which card shall be white and in design not less than 10 by 14 inches upon which shall be printed in plain black Roman letters not less in size than one inch in length by one-half inch in width the words "imitation butter used here" or "imitation cheese used here," as the case may be; and said card shall not contain any other words than the ones above described. Any person violating the provisions hereof shall be punishable by a fine of not less than \$25 nor more than \$50, or by imprisonment in the county jail not more than 30 days.

Sec. 8. Whoever shall violate sections 3, 4, 5, 6 and 9 of this act shall for the first offense be punished by a fine of not less than \$25 nor more than \$50, or be imprisoned not exceeding 30 days; and for each subsequent offense by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 30 days nor more than six months, or both.

Sec. 9. No action can be maintained on account of any sale or other contract in violation of this act, or by or through any person knowingly a party to such wrongful sale or contract.

Whoever shall mutilate, obscure, conceal, efface, cancel or remove any mark provided for by this act, or with intent to mislead, deceive or violate this act, shall be guilty of a misdemeanor.

Sec. 10. Whoever sells to any person who asks, sends or inquires for butter imitation butter or imitation cheese or any substance in imitation of pure butter, not made entirely from milk or cream, with or without coloring matter, shall be guilty of a fraud and punished by a fine of not less than \$25 nor more than \$50 for each offense.

CIDER.

Sec. 1, chapter 3, Session Laws of 1897. Prevents the sale of any cider or any preparation thereof containing salicylic acid, formaline, preservit, antiferment, or any other drug, chemical or substance that does not belong to the apple in its natural state.

Sec. 2. Cider is defined as "pure apple juice, absolutely free from any foreign substance."

Sec. 3. Prevents the manufacture or sale of any product as cider which is not cider.

Sec. 4. Any person manufacturing or selling adulterated cider shall plainly mark on the head of each keg, barrel or package "adulterated cider," together with the approximate proportion of drug, chemical or other substance which it contains.

Sec. 5. County attorneys shall inquire into complaints that adulterated cider is being sold in any county; and any such attorney or his deputy or appointee shall have access to all places where cider is made or kept for sale, and shall have power to open any barrel or package containing same, and inspect same, and take samples for analysis, and if the investigation sustains the charge he shall forthwith file information and prosecute as in criminal cases.

Sec. 6. Whoever violates this act shall be fined \$50 nor more than \$100, or imprisoned not less than 30 days nor more than 100 days, or both, for each offense, and pay costs incurred in inspection and analysis of such cider.

VINEGAR.

Sec. 1, chapter 4, Session Laws of 1897. Prohibits the manufacture of any vinegar as apple, orchard or cider vinegar which is not the legitimate product of pure apple juice; or cider into which any foreign substance, drug or acids have been introduced, which upon proper test shall contain less than two per cent by weight of cider vinegar solids, upon full evaporation at the temperature of boiling water.

Sec. 2. Requires that each cask, barrel or package containing cider vinegar be marked with the name and place of business of the manufacturer, and the words "cider vinegar," and no person shall falsely brand same.

Sec. 3. Every person manufacturing or selling any of the so-called "grain" vinegar, "wine" vinegar, or "fruit" vinegar, shall market same

without artificial coloring, with a brand or label on each barrel, cask or package indicating the name and place of business of the manufacturer, and with the name of the grain or fruit from which the contents were made.

Sec. 4. All vinegar shall be made wholly from fruit or grain from which it purports to be made, and shall contain no artificial coloring, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 5. Prohibits the manufacture or sale of any vinegar containing any preparation or lead, copper, sulphuric or other mineral acids or other ingredients injurious to health.

Sec. 6. The duty of the county attorney is the same in this section as defined in section 5 of the laws relating to cider.

Sec. 7. The penalty for violating this section is the same as for the violation of section 6 of chapter 3 relating to cider.

NEBRASKA STANDARDS.

Minimum Standard of Butter Fat in Milk and Cream.

(Established by proclamation.)

I, Ezra P. Savage, governor of the state of Nebraska, by virtue of the authority vested in me by law as said (food) commissioner, ex-officio, do hereby fix and establish as the minimum standard 3 per cent butter fat for milk and 15 per cent butter fat for cream. And I do hereby require that all milk and cream bought and sold or offered for sale within the state of Nebraska for consumption in their respective forms shall be at least of the foregoing standard and the sale or offering for sale of either at a lower standard is hereby declared to be unlawful.

Skimmed or Adulterated Milk.

Whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or shall knowingly sell the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, and be liable in double the amount of damages, to the person or persons upon whom such fraud shall be committed.

Adulterated Food.

That no person shall, within this state, manufacture for sale, offer for sale, or sell any article of food which is adulterated, within the meaning of this act. (1897, chap. 99, sec. 1.)

The term "food" as used herein shall include all articles used for food or drink by man, whether simple, mixed or compound. (Id. sec. 2.)

An article of food shall be deemed to be adulterated within the meaning of this act in the following cases: First, if any substance or substances have been mixed with it, so as to lower or depreciate, or injuriously affect its quality, strength or purity. Second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it. Third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. Fourth, if it is an imitation of, or sold under the name of another article. Fifth, if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in case of milk, if it is the produce of a diseased animal, or diluted with an inferior liquid or mixed with any inferior substance. Sixth, if it is coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is. Seventh, if it contains any added substance or ingredient which is poisonous or injurious to health, or any deleterious substance not a necessary ingredient in its manufacture. Provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles of food, if the same be distinctly labeled as mixtures or compounds, and are not

injurious to health, and contain no ingredient not necessary to the preparation of the genuine article of such mixtures or compounds, and from which no necessary ingredient in its preparation is eliminated. (Id. sec. 3.)

Every person manufacturing, offering or exposing for sale or delivering to a purchaser, any article of food included in the provisions of this act, shall furnish to any person interested, or demanding the same, who shall apply to him for that purpose, and shall tender to him the value of the same, a sample sufficient for the analysis of any such article of food which is in his possession. (Id. sec. 4.)

Whoever refuses to comply, upon demand, with the requirements of section four, and whoever violates any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred nor less than twenty-five dollars, or imprisoned in the county jail not exceeding three months. And any person found guilty of manufacturing, offering for sale or selling an adulterated article of food under the provisions of this act, shall be adjudged to pay, in addition to the penalties hereinbefore provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing, selling or offering for sale, which shall be adjudged as a part of the penalty by the court in the same action wherein he is found guilty. (Id. sec. 5.)

SUPREME COURT DECISIONS OF NEBRASKA ON FOOD LAWS.

DEPUTY FOOD COMMISSIONER. Under the laws of this state which provide that the Governor shall be the Food Commissioner and shall appoint a Deputy Food Commissioner, who shall make an annual report to the Governor and give a bond for the faithful performance of his duties as such Deputy Food Commissioner, it is held that such Deputy is a state officer, and not a mere

employee of the state. *State vs. Cornell*, 60 Neb. 276.

LIQUORS. Under a statute forbidding the sale or gift of adulterated liquors an applicant who has sold adulterated liquor within a year is not entitled to a license. *Livingston vs. Corey*, 33 Neb. 366.



PURE FOOD LAWS OF NEVADA.

The State of Nevada has no pure food nor dairy commissioner nor does it appear that any department is specifically charged with the enforcement of such laws as are on the statute books against the adulteration of food and drink, but the same are left to be enforced in like manner as other misdemeanors within the state.

A digest of these laws is as follows:

ADULTERATED AND UNWHOLESOME FOODS AND DRINKS.

Sec. 4677. If any person shall knowingly sell the flesh of any diseased animal, or unwholesome provisions, or any poisonous or adulterated drink or liquors, he shall be punishable by a fine of not more than \$500 or imprisonment in the county jail not more than six months.

ADULTERATED, IMPURE AND UNWHOLESOME MILK.

Sec. 4801. Provides that any person who shall knowingly sell, exchange or expose for sale any impure, adulterated or unwholesome milk, shall be deemed guilty of misdemeanor, and punished by a fine of not less than \$100 for each offense. In default of the payment thereof to be imprisoned in the county jail not less than thirty days.

Sec. 4802. Every person who shall adulterate milk with the intent to offer the same for sale or exchange, or keep cows for the production of milk for sale or exchange in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased and unwholesome milk, or sell or exchange any milk as pure from which the cream, or any portion thereof, has been taken, except as hereinafter provided, shall be deemed guilty of misdemeanor, and punished by a fine of not less than \$100 for each offense. In default of the payment thereof to be imprisoned not less than thirty days.

Sec. 4803. The addition of water or any substance is hereby declared to be an adulteration. Any milk from animals fed on distillery, brewery, hotel or restaurant waste, usually called "swill," or upon any substance in a state of putrefaction, or impure matter from stables, is declared to be impure and unwholesome. The violation of this section is punishable by a fine of not less than \$100 for each offense or imprisonment for not less than thirty days.

Sec. 4804. Nothing in this act shall be construed to prevent the sale of skimmed milk, provided the person selling the same shall first make known the fact that it is skimmed milk and sell it as such. Any person violating the provisions of this section shall be punished as provided in section 2 of this act.

Sec. 4805. Provides that one-half of the fines collected hereunder shall be paid to the person who makes complaint and prosecutes same. The other half shall be paid into the school fund.

Sec. 4806. Provides for the appointment of a milk inspector by the Board of County Commissioners.

Sec. 4807. It shall be the duty of said milk inspector to inspect milk offered for sale in his county, and, if found adulterated, unwholesome or impure, to cause the arrest of the vendor thereof and prosecute for such offense.

Sec. 4808. If said vendor shall be found guilty of a violation of this act, and the act to which this is supplemental, he shall be fined in any sum not less than \$25 nor more than \$200, or imprisoned in the county jail not less than fifty nor more than one hundred days; fines to be paid into the school fund.

Sec. 4809. The compensation of said milk inspector shall be regulated by the Board of County Commissioners.

OLEOMARGARINE.

Sec. 4810. Every person who shall manufacture for sale any article in semblance of butter that is not the legitimate product of the dairy, not made exclusively of milk or cream, into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter, or any oil thereof, has been introduced to take the place of cream, unless the package containing such article shall be labeled or branded with the word "Oleomargarine," as provided in section 2 of this act, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500 and imprisonment in the county jail not less than thirty days nor more than six months.

Sec. 4811. Every person who shall sell, offer or expose for sale, or possess with intent to sell, any of the said articles mentioned in section 1 of this act, shall distinctly brand, mark or label every package containing same, whether at wholesale or retail, with the word "Oleomargarine," and every person who shall sell or offer

for sale such substance not so branded, marked or labeled, shall be guilty of a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 4812. The branding or marking spoken

of in this act, if on rolls or prints, shall be in letters not less than one-quarter of an inch square, and if on tubs or other packages the letters shall not be less than one-half inch square.

PURE FOOD LAWS OF NEW HAMPSHIRE.

The State of New Hampshire has no Dairy or Food Commissions. The State Board of Health is bound to take cognizance of the interests of the public health relating to the sale of drugs and foods and adulterations thereof. The local boards of health have supervisory powers over the sale and inspection of milk. The State Board of Health may spend annually an amount not exceeding \$800 for the purpose of carrying out the provisions of the chapter relating to the manufacture and sale of unwholesome foods and poisons.

The State Board of Agriculture is charged with enforcing the provisions of chapter 115 of the laws of 1895, relating to the sale of adulterated butter, oleomargarine and imitation cheese. The members of the State Board of Health are as follows:

Governor Chester B. Jordan, Lancaster.

Attorney General E. G. Eastman, Exeter.

G. P. Conn, M. D., President, Concord.

Charles S. Collins, M. D., Nashua.

Robert Fletcher, C. E., Hanover.

Irving A. Watson, M. D., Secretary, Concord.

A digest of the laws against the adulteration of articles of food and drink is as follows:

ADULTERATED LIQUOR.

P. S. CH. 112, PAGE 350.

(1899, Ch. 71, Sec. 11): If any agent adulterate any spirituous or malt liquors, which he may keep for sale, knowingly purchase any impure liquors or buy any spirituous or malt liquors off any person than the person so appointed by the Governor, or of the commissioners in cases authorized by law, or charge a higher price than fixed by the selectmen or mayor, or sell any liquor on his own account, he shall forfeit fifty dollars, or be imprisoned ninety days, or both.

Ch. 127, P. S., p. 399):

MEASURE OF MILK.

Sec. 12. Milk shall be bought and sold by wine measure, the standard for which shall be 231 cubic inches to the gallon, and for sub-

divisions of a gallon in the same proportion.

Sec. 13. All measures or vessels used in the sale of milk shall be tried and proved by the standard of wine measure, and the quantity they hold agreeable to said measure shall be agreed thereon. Any person selling milk by any measure not so tried, sealed and marked shall forfeit for each offense ten dollars.

Sec. 14. All milk cans used in purchasing milk at wholesale shall be sealed annually by the Sealer of Weights and Measures in the city or town where the purchaser resides, and no milk can shall be sealed which does not contain one or more quarts, and the capacity of the can shall be legibly marked upon and by the sealer.

Sec. 15. When milk is purchased by the can such can shall hold eight quarts of milk and no more.

Sec. 16. Any person violating the provisions of the two preceding sections shall be fined not more than fifty dollars.

(Ch. 107, page 607, Session Laws of 1901.)
AN AMENDMENT TO CH. 127 OF THE
PUBLIC STATUTES RELATING TO
MILK.

(Sec. 1 amendment): Sec. 1. The Boards of Health of cities shall be in charge of the inspection of milk, skimmed milk and cream, and may appoint one or more persons as their agents for that purpose who shall act under their direction in their respective places. The compensation of such agents shall be fixed by said boards, but no milk inspector shall be paid for his services unless he is a registered chemist, or is the holder of a certificate from the Superintendent of the Dairy Department of the New Hampshire College of Agriculture and the Mechanical Arts, showing the said holder to be qualified to perform such work.

Sec. 2. The selectmen of towns may annually appoint one or more persons to be inspectors of milk, skimmed milk and cream under the same provisions and conditions as agents are appointed by Boards of Health.

Sec. 3. The Boards of Health of cities and the selectmen of towns may grant any person

who applies therefor, and pays two dollars, a license to sell milk, skimmed milk and cream within that city and town until the 1st day of June next following, and may renew such license upon payment of a like fee in the month of May annually; provided, said applicant will satisfy said boards of selectmen that he understands the care and handling of said product, and files the names and addresses of all his producers and gives reasonable assurance that the cows from which the milk is taken are healthy and properly cared for. The license and its renewal shall state the name of the party to whom granted, his residence, place of business, names of persons employed by him in carrying on the business, number of carriages used, name of the town for which it is granted and the number of the license. It shall not be transferable. The person to whom such a license is granted shall cause his name, place of business and number of license to be legibly placed on the outer side of all carriages used in the business; and in case of a merchant selling or offering milk for sale in a store or market place in the city or town in which said licenses are granted, said license and its renewals shall be posted in a conspicuous place in said merchant's place of business.

Sec. 4. Whoever goes about in carriages or makes a business of selling milk, skimmed milk or cream in any such city or town, or offers for sale, or possesses same with intent to sell, milk, skimmed milk or cream, unless a license has been first obtained, as provided in the preceding section, or violates any of the preceding sections, shall be fined not more than ten dollars for the first offense or fifty dollars, or imprisonment for not more than sixty days, or both, for a subsequent offense.

Sec. 5. Every person selling milk, skimmed milk or cream in a store or market place in a city or town in which licenses are granted, shall procure a license. Any person so selling without a license shall be punished as provided in section 4.

Sec. 6. The Boards of Health of cities and their agents, the selectmen of towns, and the inspectors appointed by them, may enter places where milk, skimmed milk or cream are stored or kept for sale, or carriages used for the conveyance thereof, and take such samples of milk, skimmed milk or cream as they may deem necessary upon payment of the current price therefor, and may examine the milk, skimmed or cream, there found, and, if requested, leave a sample of the same product, securely sealed, with the person from whom said sample was taken; and if they believe said milk, skimmed milk or cream is adulterated, they shall cause

specimens thereof to be analyzed or tested, and make a record of the test thereof.

Sec. 7. They shall make a record of all licenses granted and renewed by them, with all registries made with them; same shall be open to public inspection, and pay to the treasurer of their city or town all fees received, within thirty days after receipt.

Sec. 8. No dealer in milk shall sell, exchange, deliver or possess with intent to sell, exchange or deliver milk from which the cream, or any part thereof, has been removed, unless in a conspicuous place above the center, upon the outside of every vessel, can or package, in which said milk is sold, the words "Skimmed milk" are distinctly marked in letters not less than one inch in length. Whoever violates this section shall be punished as provided in section 17 hereof.

Sec. 9. A record shall be kept by said boards and selectmen of each conviction in their respective cities and towns of any violation of the provisions of this chapter.

Sec. 10. Any board of health, agent thereof, or selectman or inspector appointed under the provisions hereof, who willfully connives at or assists in the violation of the provisions of this chapter, shall be fined not more than three hundred dollars or imprisoned for not more than sixty days or both.

Sec. 11. The preceding sections shall be in force only in such towns and cities as now have inspectors of milk, and those which may hereafter adopt the same; but this act shall not affect anyone who may at the time of the passage thereof be elected inspector of milk in any city in this state, so as to cut short his present term of office or vary his salary.

(Sec. 2 amendment): Sec. 17. If any person adulterates milk, skimmed milk or cream with water or otherwise, to be sold or sell, offer for sale or possess with intent to sell, any adulterated or unwholesome milk, skimmed milk or cream containing any coloring matter or preservative, or any milk produced from sick or diseased cow or cows fed upon the refuse of breweries or distilleries, or any other substance deleterious to the quality of the milk, skimmed milk or cream, or sell, offer for sale or possess with intent to sell, as pure milk, any milk from which the cream or a part thereof has been removed, he shall be fined not more than two hundred dollars or imprisoned not more than sixty days, or both. It shall be the duty of the Boards of Health or milk inspectors to file necessary information with the chief of police of the city or town, or the county solicitor, to prosecute offenders under this act.

Sec. 18. In all proceedings under this chap-

ter, if milk is shown, upon analysis, to contain less than thirteen per cent of milk solids or less than nine and a half per cent of milk solids, exclusive of fat, or less than three and a half per cent of fat, it shall be considered evidence of adulteration, except during the months of April, May, June, July, August and September, when milk containing less than twelve per cent of milk solids, or less than three per cent of fat, shall be considered evidence of adulteration, or, if in the case of skimmed milk, it contains more than 91 per cent of water, and less than nine per cent of milk solids, exclusive of fat, it shall be considered evidence of adulteration.

Sec. 3. Repeals all acts inconsistent herewith.

ADULTERATED BUTTER, OLEOMARGARINE AND IMITATION CHEESE.

Sec. 19. No person, by himself or otherwise, shall render, manufacture, sell, offer or expose for sale, or possess with intent to sell, any article, product or compound, made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be an imitation of yellow butter, produced from pure unadulterated milk or cream; or in imitation of cheese produced from unadulterated milk or cream, unless the same is contained in tubs, firkins, boxes or packages, each of which has upon it the word "Adulterated butter," "Oleomargarine," or "Imitation cheese," as the case may be, in plain Roman letters, not less than half an inch in length, so placed that they can readily be seen and read and not easily defaced; and if the substance or compound is a substitute for cheese, unless the cloth surrounding it has a like inscription; but if it is a substitute for butter, unless it shall be of some other color than that of yellow butter. When any such substance or compound is sold in less quantities than the original packages contain, the seller shall deliver to the purchaser a label bearing the words or indicating its character, as above in like letters; provided, nothing in this act shall prohibit the manufacture and sale of oleomargarine in a separate and distinct form, in such manner as will advise the consumer of its real character, free from any coloration or ingredient that causes it to look like butter.

It shall be unlawful for any person to sell, peddle or deliver from any cart, wagon or other vehicle upon the public streets or ways, oleomargarine, butterine or any similar substance, unless branded and marked as required in section 19 of this act.

It shall be unlawful for any person to furnish to any hotel, boarding house, restaurant or lunch counter oleomargarine, butterine or similar substance to any guest or patrons of said hotel, boarding house, restaurant or lunch counter without first notifying such guest or patron that the substance so furnished is not butter.

Any person violating the provisions of the foregoing sections shall be fined not less than twenty-five dollars nor more than fifty dollars for the first offense, and not less than fifty dollars or more than one hundred dollars, or imprisonment not less than ten nor more than ninety days, or both, for a subsequent offense.

Sec. 20. It shall be the duty of the State Board of Agriculture to cause the provisions of chapter 115 of the laws of 1895 relating to the sale of adulterated butter, oleomargarine and imitation cheese to be enforced.

Sec. 21. The complainant in any such action may cause specimens of butter or cheese suspected of being imitations to be analyzed or tested. The expense of such analysis not to exceed twenty dollars in any one case may be taxed as costs.

Sec. 22. The terms "Butter" and "Cheese" shall be understood to mean the products usually known by those names which are manufactured exclusively from milk or cream or both, with salt, and with or without coloring matter, and, if cheese, with rennet.

If any person shall, within this state, solicit or take any order for any substance or compound, the sale, offer to sell or keeping in possession of which with intent to sell is prohibited by the provisions of sections 19 and 20 of Ch. 127, Public Statutes, to be delivered to any place without this state, knowing or having reasonable cause to believe that, if so delivered the same will be transported into this state and sold in violation of the laws thereof, he shall be fined fifty dollars for the first offense and for any subsequent offense he shall be fined one hundred dollars and imprisoned not more than ninety days.

Sec. 23. It shall be the duty of inspectors of milk, if any in the town, and if not, of the health officers, to make complaints for violations of this chapter, when furnished with evidence thereof, and prosecute the same; but any person may do so.

Sec. 24. Any person who begins and prosecutes any action under this chapter, at his own expense, and any town whose officers begin and prosecute any such action at its expense, shall be entitled to one-half of every fine imposed therein, and the county to the other half.

P. S. CH. 107.

DUTIES OF BOARD OF HEALTH.

Sec. 4. The Board of Health shall take cognizance of the interests of the public health relating to the sale of drugs and foods, and adulteration of the same, and make all necessary investigations and inquiries with reference thereto, and for these purposes may appoint inspectors, analysts or chemists. Said board may expend annually an amount not exceeding eight hundred dollars for the purpose of carrying out the provisions of this section of the chapter relating to the adulteration and selling of unwholesome foods and poisons.

P. S. CH. 269.

ADULTERATION OF UNWHOLESOME FOODS AND POISONS.

Sec. 1. No person shall sell or offer for sale any adulterated drug or substance to be used in the manner of medicine or any adulterated article of food or substance to be used in the manner of food or drink.

Sec. 2. If any drug or substance used for medicine sold under the name recognized by the United States Pharmacopœa, or other standard work on materia medica, differs materially from the standard of strength, quality or purity laid down therein, or contains less of the active principle than is contained in the genuine article, or falls below the professed standard under which it is sold, it shall be deemed adulterated.

Sec. 3. If any food or substance to be eaten or used in the manner of food or drink, contains a less quantity of any valuable constituent than is contained in the genuine article or contains any foreign substance, or is colored, coated, polished or powdered, whereby damage is concealed, or contains any added poisonous ingredient or consists wholly or in part of any decomposed, putrid or diseased substances, or has become offensive or injured from age or improper care, it shall be deemed adulterated.

Sec. 4. Whoever fraudulently adulterates, for the purpose of sale, any article of food or drink, drug or medicine, or knowingly sells any adulterated article of food or drink, drug or medicine, or unwholesome provisions as defined herein, shall be imprisoned not exceeding one year or fined not exceeding four hundred dollars.

Sec. 5. Every person offering or exposing for sale, any drug or article of food, within the meaning of this chapter, shall furnish to any analyst, or other officer appointed for the purpose, who shall apply for same and tender him its value in money, a sample sufficient for analysis of such drug or article of food.

Sec. 6. Any person who has reason to doubt

the purity of any article of food which he has purchased may send, at his own expense, a sealed sample of it to the State Board of Health for inspection. If, upon examination, the article appears to be adulterated, the board may obtain a certified sample of it, and should it prove to be adulterated, shall commence proceedings at once against the vendor.

Sec. 7. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other person, in the performance of his duty hereunder, shall be fined not exceeding fifty dollars for the first offense and one hundred dollars for each subsequent offense.

Sec. 8. Before commencing the analysis of a sample the analyst shall reserve a portion, which shall be sealed, and, in case of a complaint or indictment, part of the reserved portion of the sample shall, upon application, be delivered to the defendant, and a part to the Secretary of the State Board of Health.

Sec. 9. The State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement of this chapter, and for the collecting and examining of drugs and foods, etc.

Sec. 10. Whoever adulterates for the purpose of sale any liquors used or intended for drink, with cocculus indicus, vitriol, grain of Paradise, opium, alum, capsicum, copperas, laurel-water, logwood, Brazil wood, cochineal, sugar of lead, or other substance which is poisonous or injurious to health, or knowingly sells any such liquor so adulterated, shall be fined not exceeding one thousand dollars or imprisoned not exceeding one year.

Sec. 11. Whoever kills, for the purpose of sale, a calf less than four weeks old, or knowingly sells or possesses with intent to sell, for food, the meat of any such calf, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, or both.

Sec. 12. Any meat, unwholesome provisions or articles sold, kept or offered for sale, or adulterated in violation of the preceding section shall be forfeited.

ADULTERATED CANDY.

(1899, Ch. 26, Sec. 1). No person shall, by himself or otherwise, manufacture for sale, or knowingly sell, or offer to sell any candy, adulterated by the admixture of terra alba, barytes, talc or other mineral substance, by poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding one hundred dollars or less than fifty dollars, and the candy so adulterated shall be forfeited and destroyed.

Sec. 3. It is the duty of Prosecuting Attorneys to prosecute complaints hereunder.

CH. 87, PAGE 583, LAWS OF 1901.

Sec. 1 amends Ch. 251, P. S., so that Justices

of the Peace may issue search warrants to search for oleomargarine, butterine or any oleaginous substance not produced from pure, unadulterated milk or cream of the same, which is an imitation of yellow butter.

DECISIONS OF THE SUPREME COURT OF NEW HAMPSHIRE ON FOOD LAWS.

ADULTERATION The legislature having power to fix a standard, it must judge whether or not milk below that standard is wholesome, so that the court cannot take judicial notice whether milk, below that standard is or is not dangerous to the public health. *State vs. Campbell*, 64 N. H. 404.

OBJECT. Statutes which prevent the sale of adulterated provisions are made in order to protect the public health. 64 N. H. 549, *State vs. Marshall*.

MILK. In a prosecution under the laws regulating the sale and inspection of milk, evidence that the defendant's cows were properly fed, but which evidence is offered for the purpose of discrediting the analysis of the milk put in by the state, is properly rejected. *State vs. Campbell* 64 N. H. 402.

The state may authorize the analysis of milk claimed to be adulterated, and allow the giving of evidence of such an analysis even though in

the meantime the milk has been destroyed.

The legislature may fix an arbitrary standard below which milk cannot fall; and evidence that the milk is below that standard when given by the cows is not a defense. *State vs. Campbell*, 64 N. H. 402.

OLEOMARGARINE. NOTICE. It is a legitimate exercise of the police power of a state to require that oleomargarine shall not be furnished to a guest without his knowledge, as it is an Act for the protection of the public health and to prevent fraud and deception on the same in buying an article of general consumption. *State vs. Ball*. 70 N. H., 40.

OLEOMARGARINE. It is no defense to the action to show that defendant who furnished oleomargarine to a guest in a hotel without first notifying such guest that it was oleomargarine did not know or have reason to know that it was oleomargarine. *State vs. Ryan*. 70 N. H., 196.

PURE FOOD LAWS OF NEW JERSEY.

In the State of New Jersey the Board of Health is charged with the enforcement of the Pure Food Laws of the State. The Board is composed of five physicians, the Secretary of State, Attorney General and State Geologist. The membership is as follows:

The Secretary of State,
The Attorney General,
The State Geologist.

Members ex-officio.

Henry W. Elmer, M. D.,
Henry B. Rue, M. D.,
William H. Murray, M. D.,
George P. Olcott, C. E.,
Laban Dennis, M. D.
President, Cyrus F. Brackett.
Secretary, Henry Mitchell.

The office of the Board is in the State House, Trenton.

The laws to secure the purity of food, beverages, drugs, etc., and to prevent deception in the distribution and sale therein, are in substances as follows:

Section 1. The term "food" includes every article used for food or drink by man, and every ingredient thereof, and all confectionery; and the term "drug" includes every article of medicine for internal or external use and every ingredient therein.

Sec. 2. The following drugs are deemed to be impure within the meaning of this act:

First—Any drug which, recognized in the United States Pharmacopœia, possesses a strength, quality, or degree of power inferior to

that laid down in such pharmacopœia. Second.—Any drug which not being recognized in the United States Pharmacopœia, but found in some other pharmacopœia, or in some standard work on materia medica, possesses a strength, quality or degree of power inferior to and different from that laid down in such pharmacopœia or standard work. Third.—Any drug whose strength, quality or degree of power falls below the professed standard under which it is sold.

Sec. 3. The following foods are deemed to be impure within the meaning of this act:

First—Any food which is rendered poisonous or injurious to health, or whose quality, strength or degree of power is injuriously reduced or affected by adding thereto or mixing therewith any other substances. Second—Any food for any of whose substances there has been substituted any substance or substances inferior to or cheaper than the constituents naturally or customarily composing such food. Third—Any food from which has been wholly or partially abstracted any valuable or necessary constituent. Fourth—Any food which consists wholly or in part of diseased, decomposed, putrid, tainted or rotten animal or vegetable substances, whether manufactured or not. Fifth—In the case of milk, if it contain more than 88 percentum of water fluids or less than 12 per centum of milk solids; or if any water, drug, chemical, preservative or other substance be added thereto or mixed therewith. No person shall kill or aid in killing for human food any calf less than three weeks old, or sell or have in his possession for human food any such calf or the meat thereof.

Sec. 4. Prohibits the distribution or sale of any article of food or drug which by the provisions hereof is deemed impure.

Sec. 5. Prohibits the distribution or sale of any article of food or drug in imitation of some other article of food or drug; same shall be distributed and sold only by the true name of the imitation.

Sec. 6. Prohibits the distribution or sale of any food which shall have been colored, coated, polished, powdered or treated in such manner as to conceal any element of injury or damage therein or any inferiority of quality.

Sec. 7. No person shall keep cows for the production of milk in a crowded or unhealthy place or condition, or feed a cow kept for the purpose of milk on swill, or any substances in a state of putrefaction or rottenness, and substances of an unwholesome nature, or any food or substance that may produce disease or unwholesome milk. And prohibits the distribution and sale of any milk which is the product of cows so kept or fed.

Sec. 8. No person having possession or care of any milk shall expose the same to the emanations, discharges, or exhalations from any person or persons sick with a contagious disease, and prohibits the sale or distribution of any milk so exposed.

Sec. 9. Prohibits the sale of any milk from which the cream or any part thereof has been removed, unless every can, vessel or package thereof shall have a metal label or tag of metal distinctly and permanently soldered upon the outside and not more than six inches from the top thereof containing the words "Skimmed milk" indented or engraved on said label or tag in letters not less than two inches in height and the several lines of which shall be not less than three-eighths of an inch in width; provided, however, that every glass bottle in lieu of such label or tag may have blown in it the words "Skimmed milk" in letters not less than one inch in height, and one-eighth of an inch in width, such milk to be sold or retailed out of a can or bottle or package so marked.

Sec. 10. No person shall sell, supply or bring to be manufactured to any cheese or butter manufactory any milk which, under the provisions of this act, is deemed impure or from which the cream has been removed or the sale of which otherwise in this act is prohibited.

Sec. 11. The State Board of Health shall have the power to adopt, promulgate and publish, by circular or otherwise, such general rules and regulations for the government of the analysts, chemists, chief inspector, and such other inspectors and employes appointed by said board as they may deem proper; they shall also have the power to give to any analyst, chemist or chief inspector or other employe appointed by the board orders concerning any performance of duty as they may deem proper; they shall also have power to appoint such analysts, chemists and inspectors and employes who shall hold their positions during the pleasure of said board, and perform general or special services as the board may require; and said board shall fix and allow fees or compensations to such analysts, employes, etc., to be paid out of appropriations made by the legislature for carrying out the provisions of this act. Said board may make inquiries and investigations concerning alleged or probable violations hereof, and cause prosecution therefor.

Sec. 12. Every person shall on request deliver to any chief or other employe under this act any article of food or drug in the quantity that such inspector may require, provided the value thereof is tendered. Said inspector shall divide such sample into two parts and seal each part in a suitable can or other package and deliver one part to the person selling, with a state-

ment in writing of the cause of the samples having been taken; and in any prosecution of a dealer of any food or drug for a violation of this act no proof of the result of any analysis thereof shall be given in evidence by the prosecutor unless said sample or a part thereof shall have been sealed up and tendered to the dealer as aforesaid.

Sec. 13. A penalty of \$50 is provided for the violation of the provisions of this act; provided, that if any person charged with the violation of any of the provisions of this act shall prove that the article alleged to be impure was produced under a warranty from any person or persons residing in this state that said article was pure within the meaning hereof and file with the proper officer a copy of such warranty the person so complained against shall be discharged. The warranty to justify this charge shall be in the following form, to-wit: "It is hereby warranted that the following described article or articles, to-wit, _____ are pure and unadulterated within the meaning of the act of the legislature of the State of New Jersey entitled 'An Act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof, approved the — day of —, A. D., 1901'; every such warrant shall be signed by the warrantor, and shall be a defense except that the person offering same shall have had prior notice of the impurity of the article mentioned.

Sec. 14. Every district court, justice of the peace in any city or county, or police justice or recorder in any city, is given jurisdiction in prosecutions for violations of this act. This section provides how prosecutions shall be begun and sets forth forms for the proceeding thereunder.

Sec. 15. Provides for trial by jury and a form of judgment given in case the prosecution shall be awarded same.

Sec. 16. Provides for appeal from the determination of said action, provided notice of such appeal shall be given to the other party, such appeal to be taken to the circuit court of the county where such action is had. Also provides for security for costs of said proceedings, stenographer's fees, transcripts, witnesses, etc.

Sec. 17. Relates to executions upon judgments in case of executions, etc.

Sec. 18. Provides what officers shall execute any process or executions issued as aforesaid.

Sec. 19. It is a misdemeanor to utter any false warranty of the form prescribed in section 15 of this act, punishable by a fine of not more than \$500 or imprisonment at hard labor for not more than one year.

Sec. 20. The State Board of Health may ex-

pend a sum not exceeding \$15,000 for carrying out the provisions of this act; provided, that an appropriation shall first be made by the legislature.

Sec. 21. The office of State Dairy Commissioner is abolished, and his duties shall be performed by the Chief Inspector under the direction of the State Board of Health.

Sec. 22. Repeals: "An Act to protect butter and cheese manufacturers," approved March 23, 1865; "An Act relative to the Dairy Commissioner," approved June 13, 1895; "An Act to prevent the adulteration and to regulate the sale of milk," approved March 14, 1882; and all acts supplementary thereto and amendatory thereof; "An Act to prevent the adulteration of candy," approved March 14, 1895; "An Act to prevent the adulteration of food or drugs," approved March 25, 1881, and all acts supplementary thereto and amendatory thereof; and "An Act to prevent deception in the sale of cakes and biscuits and to preserve the public health," approved March 22, 1895, and all other acts and parts of acts inconsistent with this act.

OLEOMARGARINE AND DAIRY PRODUCTS.

Section 1. Prohibits the sale of oleomargarine, butterine, or suine, or any substance in imitation of natural butter or cheese, or substance that is rendered, manufactured or compounded out of any animal or vegetable or mineral fat or oil, not produced from pure milk or from cream from pure milk, unless contained in and sold out of or in tubs, pails, vessels or packages marked and labeled as required in section 3 hereof.

Sec. 2. Prohibits the sale of any mixture or compound as natural butter or cheese with oleomargarine, butterine, suine, or any animal or vegetable or mineral fat or oil, or any substance not the product of pure milk or cream, as required in section 1, and except the same shall be sold as required in said section 1.

Sec. 3. Prohibits the sale of oleomargarine, butterine, suine, or imitations of natural butter or cheese, except when contained in tubs, firkins, vessels, packages, etc., that are marked and labeled as follows, to-wit: Every such tub, firkin, vessel or package shall have printed on the outside thereof and midway between the top and bottom thereof, a strip or band at least three inches wide and extending completely around said vessel or package, and said strip or band shall be painted with black paint; every such vessel or package shall have legibly branded and burnt in, by means of a branding or burning iron, on the outside of the cover and on the outside of said vessel or package, in two places as nearly opposite each other as possible,

the words "oleomargarine," "butterine," "suine," or "imitation butter," or "imitation cheese," as the case may be, and said name or title shall be composed of Roman letters at least one-half an inch high and at least one-quarter of an inch broad, and said name or title shall be at least ten inches long; and every such tub, pail, box, firkin or other vessel or package shall bear a label or shall have branded on it a mark giving the name and address of the maker of the contents thereof, and the name and location of the manufacturer.

Sec. 4. (Amended by Section 24, *Post.*)

Sec. 5. Prohibits the sale of oleomargarine, butterine, suine, or imitations of natural butter or cheese that is colored, stained, or mixed with annatto or any other coloring matter or substance.

Sec. 6. By "natural butter" or "natural butter or cheese," is meant the product or products usually known by these names, manufactured exclusively from milk or cream, or both, with salt or salt and rennet, and with or without coloring matter or sage; and the terms "oleomargarine," "butterine," "suine," or "substances in imitation or semblance of natural butter or cheese" shall be held to mean any substance that is rendered, made, manufactured, or compounded out of any animal or vegetable or mineral oils or fats not the product of pure milk, or cream from pure milk; also any compound or mixture of natural butter or cheese or milk or cream with any of these substances not milk or cream.

Sec. 7. The possession by any person of any oleaginous substance or food for public use as defined herein, not natural butter, and not contained in a tub or vessel marked in accordance with the provisions of section 3, shall be *prima facie* evidence of intent to sell the same."

Sec. 8. Prohibits the removal of the band or strip of paint or brands required in section 3 of this act from any vessel containing oleaginous substances as defined herein.

Sec. 9. Every person who shall violate this act shall be liable to a penalty of \$100 for the first offense and \$200 for a second or subsequent offense.

Sec. 10. Confers jurisdiction of prosecutions under this act upon every District Court in any city and every justice of the peace in any county and every recorder in any city for violations of this act and for prosecutions thereunder, and the manner of conducting proceedings in connection therewith.

Sec. 11. Provides for service of process under this act.

Sec. 12. Provides for judgments from time to time and for bail under this act.

Sec. 13. Provides for payment of costs and right of appeal.

Sec. 14. Provides that penalties shall be paid into the state treasury.

Sec. 16. The commissioner shall be authorized to expend for the purposes of this act an amount not to exceed \$10,000 in any one year.

Sec. 17. The commissioner and his clerks, assistants, and agents shall have full access, ingress, and egress to all places of business, factories, farms, buildings, hotels, boarding houses, restaurants, carriages, ears, vessels, cans, etc., used in the manufacture or sale of any dairy product or imitation thereof. They shall also have the power to open any package or vessel or can containing articles manufactured or sold in violation of the provisions of this act and take samples therefrom for analysis.

Sec. 18. Declares this act to be intended to prevent deception in the sale of oleomargarine, butterine, or imitations of any dairy product, and to preserve the public health.

Sec. 19. That an act entitled "An act for the protection of dairymen and to prevent deception in sales of butter," approved Feb. 21, 1884, and an act entitled "An act to prohibit the manufacture of impure and imitation dairy products," approved May 5, 1884, and all acts and parts of acts inconsistent or in conflict with this act be and the same are hereby repealed.

SUPPLEMENT TO LAWS.

Approved April 21, 1887.

Sec. 5. Provides for forms in cases of conviction resulting from prosecutions under this act.

SUPPLEMENT.

Approved March 25, 1895.

Sec. 1. Prohibits the same, rendering or manufacturing of any article, product, or compound made wholly or partly out of any fat, oil, or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, artificially colored in imitation of yellow butter produced from pure unadulterated milk or cream from the same; provided, that this act shall not prohibit the manufacture or sale of oleomargarine in a manner regulated by the act to which this is a supplement, and in such manner as will advise the customer of its real character, free from official coloring which causes it to look like butter.

Sec. 2. It is a misdemeanor to violate the preceding section of this act, punishable by imprisonment not exceeding six months, or a penalty of \$200.

ADULTERATED AND SKIMMED MILK.

Approved March 23, 1883.

Sec. 1. No milk which has been watered,

adulterated, or changed by the addition of water or other substances, or by the removal of cream, shall be kept or offered for sale in any city of the first class in this state.

Sec. 2. Every violation of this act shall be punishable by a fine of \$50 for the first offense or \$100 for a subsequent offense, and such penalty shall be recovered under the act entitled "An act to prevent adulterations and to regulate the sale of milk."

Approved March 14, 1882.

HORSES AND THE SALE OF HORSE FLESH.

Sec. 1. Local boards of health shall have power to pass, alter, or amend ordinances for the following purposes, in addition to the purposes now authorized by law:

I. To regulate and control the sale of horses for food; to provide for their inspection both before and after slaughtering; and to provide for the granting of permits to carrying on the business of slaughtering horses for food.

II. To regulate the manner of constructing, repairing, furnishing, and caring for houses and buildings used for the slaughtering of horses, matters relating to sanitary conditions

thereof, and to regulate and control the location of such houses and buildings.

Sec. 2. Any local board of health may prescribe a penalty not exceeding \$100 for any violation of any ordinance or section adopted under this act, recoverable under an act entitled "An act to establish in this state boards of health and a board of vital statistics, and to define their respective powers and duties," approved March 31, 1887, and the supplements thereto.

Sec. 3. Prohibits the sale of horse flesh unless every carcass, piece, and parcel thereof shall be conspicuously labeled with a tag not less than three inches wide and four inches long, on which shall be printed or stamped in letters not less than one inch in height the words "horse flesh," and a penalty shall be paid for a violation of this act of \$100. Provides further for the recovery of such penalty, with costs of the proceedings, to be had in case of prosecution, and the disposition of such penalty when paid.

Sec. 4. Provides for the jurisdiction under this act, judgments, recovery of the penalty, and disposition of the same.

Sec. 5. Provides for the form of conviction.

DECISIONS OF THE SUPREME COURT OF NEW JERSEY ON FOOD LAWS.

MILK. It is not necessary to sustain a prosecution under an act to prevent the adulteration of milk to show the particular manner in which an analysis of the milk was conducted; but it is necessary to allege and prove that the milk consisted of more than 88 per cent of watery fluids and less than 12 per cent of milk solids. *Vandegrift vs. Niehla*, (N. J. 1901) 49 A. 16.

It is not necessary to show that the defendant knew that the milk was below the legal standard. The legislature has the power to pass laws, the violation of which may be punished without regard to motive or knowledge on the part of the violator; and therefore courts cannot require proof of such knowledge. *Id.*

The official character of a chemist who made the analysis of a sample may be *prima facie* es-

tablished by his testimony that he was duly appointed for the purpose of making analysis. *Id.*

OLEOMARGARINE. In an indictment under an act forbidding the sale of oleomargarine or other imitations of butter, unless express notice be given to purchaser, it is not necessary to show criminal intent. *State vs. Newton*, 50 N. J. L. 549.

OLEOMARGARINE. The Supplemental Act of March 25, 1895, regarding oleomargarine, does not abrogate the provisions of the original Act. It only applies where the substance is manufactured and sold artificially colored in imitation of yellow butter; while the presence of such coloring is not contemplated by the original Act. *McGulre vs. Doscher*, 65 N. J. L. 139.

PURE FOOD LAWS OF NEW MEXICO.

In the Territory of New Mexico there has not been created a dairy or food commission. It does not appear that any department of state is specifically charged with the enforcement of the laws against the adulteration of food and

drink. These laws come under the heading of "Offenses Against Public Policy and Public Health," and the law in regard to them may be invoked as for other misdemeanors within the state. A digest of these laws is as follows:

COMPILED LAWS OF NEW MEXICO.

Sec. 1244. Provides that if any person knowingly sells any kind of damaged, spoiled, or unhealthy provisions, either for food or drink, without giving sufficient notice to the purchasers thereof, he shall be fined not exceeding \$500, or imprisoned in the county jail not exceeding six months.

Sec. 1245. If any person shall fraudulently adulterate for the purpose of sale any drug or medicine in such manner as to make same injurious to health, he shall be punished by imprisonment in the county jail not exceeding one year, or fined not exceeding \$300, and such drug or medicines shall be forfeited and destroyed.

Sec. 1246. No person within the Territory of New Mexico shall mix, color, stain or powder, or permit same to be done, any article of food or drugs, with any ingredient so as to render the article injurious to health, or manufacture any article of food, composed in whole or in part of diseased, decomposed, offensive, or unclean animal or vegetable substance, with intent to sell the same in said Territory. And no person shall sell, in the Territory of New Mexico, any such article, so mixed, colored, stained, powdered or manufactured. A violation of this section is a misdemeanor punishable by a fine of not exceeding \$200 for the first offense, and for each subsequent offense not exceeding \$300, or imprisonment not exceeding one year, or both.

Sec. 1247. No person shall, within said Territory, except for the purpose of compounding, as hereinafter described, mix, color, stain or powder, or order or permit any other person so to do, any drug, with any ingredient or material so as to affect injuriously the quality of such drug, with the intent that the same may be sold in said Territory; and no person shall sell any such drug so mixed, colored, stained or powdered, under the same penalty in each case respectively as in the preceding section for a first and subsequent offense.

Sec. 1248. No person shall be convicted under either of the last two foregoing sections if he shows, to the satisfaction of the court, that he did not know of the article of food or drug sold by him being so mixed, colored, stained or powdered, as in said sections mentioned, and that he could not with reasonable diligence have obtained that knowledge.

Sec. 1249. No person shall within said Territory, sell any article of food or drug which is not of the nature, substance and quality of the

article demanded by any purchaser. A violation hereof is punishable for the first offense by a fine not exceeding \$50 and for each subsequent offense not exceeding \$100, or imprisonment not exceeding six months, or both. *Provided*, that an offense shall not be deemed to be committed under this section in the following cases: *First*, where any matter or ingredient not injurious to health has been added to the food or drug because the same is required in the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quantity thereof. *Second*, where the drug or food is a proprietary medicine. *Third*, where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation.

Sec. 1250. No person shall sell in said Territory any compound article of food or compounded drug not composed of ingredients in accordance with the demands of the purchaser. A violation of this section is a misdemeanor punishable by a fine not exceeding \$50. *Provided*, no person shall be guilty of any such offense if at the time of delivering such article or drug he shall supply to the person receiving the same a label distinctly and legibly written or printed, on or with the article or drug to the effect that the same is mixed.

Sec. 1251. No person shall in said Territory, with intent that same may be sold in its altered state, without notice, abstract from any article of food any part of it so as to affect injuriously its quality, substance or nature, and no person shall sell any article so altered without making disclosure of the alteration. Any person violating this section shall be guilty of a misdemeanor, and fined not exceeding \$100.

Sec. 1252. In any prosecution under this act, where the fact of an article having been sold in a mixed state has been proved, if the defendant shall desire to rely upon any proviso contained in this act, the burden of proof shall be upon him.

Sec. 1253. If the defendant in any prosecution under this act proves to the satisfaction of the court that he purchased the article in question as the same in nature, substance and quality as that demanded of him by the purchaser, with a written guarantee to that effect: that he had no reason to believe when he sold it that the article was otherwise; and that he sold it in the same state as when he purchased it, he shall be discharged.

\$100**A BOTTLE****\$100**

Will be given for every bottle of Gleason's Fruit Juice found
to contain any preservative, antiferment or adulteration.

GLEASON'S Grape Juice!

Natural Color.

Clear as Wine.

Not Cooked.



Unfermented.

Non Alcoholic.

Nature's Tonic.

GLEASON'S Sweet Cider!

GLEASON'S FRUIT JUICE was the Only One Given Highest Award
with Honorable Mention at Pan-American Exposition and has
been Awarded Highest Honors whenever exhibited.

NO SUGAR or any other Substance added to the NATURAL Fruit Juices.

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Samples Free to Dealers.

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ONLY FRUIT JUICES SOLD ON A MONEY GUAR-
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\$100

PURE FOOD LAWS OF THE STATE OF NEW YORK.

The pure food laws of the State of New York are enforced by the State Board of Agriculture and the State Board of Health. The State Board of Agriculture is charged with the enforcement of all those laws relative to all dairy and agriculture products of the state, and the State Board of Health shall take cognizance of the interests of the public health as affected by the sale or use of food and drugs, and the adulterations thereof.

THE STATE DEPARTMENT OF AGRICULTURE CONSISTS OF THE FOLLOWING MEMBERS:

Charles A. Wieting, Commissioner, Cobleskill.

ASSISTANT COMMISSIONERS.

George L. Flanders, 1st Division, Albany.
 Frederick J. H. Kracke, 2d Division, 23 Park Row, New York.
 Ebenezer J. Preston, 3d Division, Amenia.
 T. James Owens, 4th Division, Rensen.
 S. Brown Richardson, 5th Division, Lowville.
 Charles T. Russell, 6th Division, Munnsville.
 Verlett C. Beebe, 7th Division, Arcade.
 William T. Hughes, 8th Division, Powers Block, Rochester.
 John H. Grant, 9th Division, Ellicott Sq., Buffalo.

James P. Clark, 10th Division, Falconer.

THE STATE BOARD OF HEALTH CONSISTS OF THE FOLLOWING MEMBERS:

Daniel Lewis, M. D., Commissioner.
 W. E. Johnson, M. D., Secretary.
 F. C. Curtis, M. D., Medical Expert.
 T. A. Stuart, Chief Clerk.
 F. D. Beagle, Registrar of Vital Statistics.
 George Blumer, M. D., Director Bureau of Pathology and Bacteriology.
 Professor Willis G. Tucker, Director Bureau of Chemistry.

Rosswell Park, M. D., Director Cancer Laboratory.

Prof. Olin H. Landreth, Consulting Engineer.

P. A. Callen, Consulting Ophthalmologist.
 Herbert D. Pease, M. D., Director Anti-Toxin Laboratory.

A digest of the laws is as follows:

CHAPTER 338.

AN ACT IN RELATION TO AGRICULTURE, APPROVED BY THE GOVERNOR APRIL 10TH, 1893.

ARTICLE I.

Sec. 1. This chapter shall be known as the Agricultural Law.

POWERS OF THE COMMISSIONER, HIS ASSISTANTS AND EMPLOYEES.

Sec. 2. Provides that there shall be a department of the State Government known as the Department of Agriculture, which shall be charged with the execution of all laws relating to agriculture or agricultural products. The Commissioner of Agriculture shall be the chief of the department. He shall be appointed by the Governor. His term of office shall be three years at an annual salary of \$4,000, and necessary expenses not to exceed \$500. He may appoint a director of farmers' institutes, and such clerks and assistant commissioners, chemists, agents and counsel as he may deem necessary for the proper enforcement of such laws and the proper administration of the department, and fix their compensation. The trustees of public buildings shall furnish suitable rooms for the use of the department in the new capitol.

Sec. 3. Provides that the Commissioner, his clerks, assistants, experts, chemists, agents and counsel employed by him shall have full access to all places of business, factories, farms, buildings, carriages, cars and vessels used in the manufacture, sale or transportation within the State of any dairy products, or any imitation thereof, or any article or product with respect to which any authority is conferred by this chapter on such Commissioner. They may examine and open any package, can or vessel containing, or believed to contain, any article or product which may be manufactured, sold or exposed for sale in violation of the provisions of this chapter, and may inspect the contents thereof and may take therefrom samples for analysis.

EXPERT BUTTER AND CHEESE MAKERS.

Sec. 4. The Commissioner may appoint not more than five expert butter and cheese makers, who shall, under his direction, examine and inspect butter and cheese factories and attend at agricultural fairs, etc., to impart thereat information as to the best method of making butter and cheese, and improving the quality thereof.

Sec. 5. Provides for a report from the Commissioner of Agriculture on or before January 15th of his work and proceedings, for the year ending December 30th next preceding.

Sec. 6. Every certificate duly signed and acknowledged by a chemist, analyst or other expert employed by said Commissioner, or any analysis, examination or investigation made by such analyst, chemist or expert with respect to

Nicelle

Olive Oil

SEVILLE PACKING

COMPANY - NEW YORK




**MADE IN
NICE, FRANCE
SOLELY
FROM SELECTED
"SOUND" OLIVES**



SOLD BY






**PURITY-ABSOLUTE
FLAVOR-UNIQUE
NOTHING FINER
PRODUCIBLE**



ALL DEALERS

**Pim-Olas
Baby Pim-Olas**

**"White Label"
Queen Olives**

Seville Packing Company

EXCLUSIVISTS IN OLIVES AND OLIVE PRODUCTS

New York.

any matter or product which the Commissioner has authority to examine, shall be presumptive evidence of the facts therein stated.

Sec. 7. The doing of anything prohibited by this chapter shall be evidence of the violation of the provision hereof relating to the things so prohibited, and the omission to do anything directed to be done shall be evidence of a violation of the provisions hereof, relative to the thing directed to be done. The intent of any person so violating the provisions hereof is immaterial in any prosecution. Any person who suffers or permits any violation of this chapter by his agent or otherwise, or in any room or building occupied or controlled by him, shall be a principal in such violation and liable accordingly.

Sec. 8. Whenever the Commissioner shall know or have reason to believe that any penalty has been incurred by any person for a violation of the provisions of this chapter, he may cause an action or proceeding to be brought in the name of the people for the recovery of the same.

Sec. 9. Provides that one-half of all money recovered as penalties or otherwise for violations hereof, or of the penal code relating to the punishment of criminal offenses committed in violation of the provisions of law for the prevention of frauds in the manufacture or sale of any of the articles or products to which this chapter relates, shall be paid to the city or county where the recovery shall be had for the benefit of the poor of such place, except in the city and county of New York, and the city of Brooklyn, where the same shall be paid to the proper authorities and divided equally between the pension funds of the police and fire department. The residue of such moneys shall be paid into the treasury of the state for the purpose of defraying the expenses of the department of agriculture.

Sec. 10. In an action in the Supreme Court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter, an application may be made on the part of the people to the court for an injunction to restrain the defendant, his agents or employes from further violation of such provisions. The Court of Justice to whom such application may be made shall grant such injunction on proof by affidavit that the defendant has been guilty as alleged in the complaint, or of the violation of any such provision subsequent to the commencement of the action, and in the same manner as injunctions are usually granted under the rules and practice of the court. No security on the part of plaintiff shall be required, and costs of the application may be granted or refused by the court. If the plaintiff shall recover judgment for any penalty or any forfeiture demanded in the complaint, the

judgment shall contain a permanent injunction restraining the defendant, his agents, or employes from any further violation of such provision of the chapter. Any injunction, order, or judgment so obtained may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or may be committed, or in the manner required by the code of civil procedure, or the rules and practice of the court. Personal service of injunction shall not be necessary when such service cannot be secured with reasonable diligence, but the service herein provided shall be deemed sufficient in any proceedings for the violation of such injunction.

PREFERENCE ON COURT CALENDAR.

10a. An action now or hereafter brought to recover a penalty provided by section nineteen of said act, chapter one hundred and eighty-three of the laws of eighteen hundred and eighty-five, shall have a preference upon the calendar of the courts of record of this state next after civil causes entitled to a preference under the provisions of subdivision one of section seven hundred and ninety-one of the code of civil procedure, where the attorney for the people therein has given notice, at the time of the service of notice of trial or argument, of a particular day in a term on which he will move. If the action is not moved by him for trial or argument on that day, or as soon thereafter in the same term as the court can hear it the other party may then move the trial or argument, otherwise it shall not be moved out of its order at that term except by the special order of the court. The note of issue filed by such attorney for the people shall state the day in the term on which he has given notice that he will move it, and the clerk of the court shall place such cause upon the day calendar of that day as a preferred cause as hereinbefore provided. No order for the clerk to do so shall be necessary.

Sec. 11. In an action for a penalty or forfeiture incurred by reason of the violation of the provisions of the chapter when the complaint charges the violation of any two or all of such provisions, plaintiff shall not be compelled to elect between the counts under such different provisions, but shall be entitled to recover, if it is found that a violation of any one of such provisions has been committed for which a penalty or forfeiture may be imposed.

595. Jurisdiction. Every police justice shall have power to try the following offenses committed within his jurisdiction, namely, cases of malicious mischief or injury; all offenses against public decency; selling unwholesome

Welch's Grape Juice



Nature's Finest Food and Drink.

Welch's Grape Juice is just the simple, unfermented juice of choicest Concord Grapes. We use only full ripe Concord. Quickness, carefulness and cleanliness mark our methods---the Welch process is different from any other---so that Welch's Grape Juice retains the flavor, aroma, color and food properties as does no other Grape Juice.

WELCH'S IS PURE.

Welch's Grape Juice is absolutely pure. It contains no anti-septic or chemical of any kind. Welch's contains no alcohol, fermentation being prevented by pasteurizing by heat. No water is added to Welch's.

Physicians prescribe Welch's as a tonic food---they recognize its purity. Churches use it for the sacrament. People drink it for its deliciousness and healthfulness. Welch's is fast becoming the National Drink.

An interesting booklet free. Sample bottle by mail for 10 cents. Write for prices.

THE WELCH GRAPE JUICE CO., Westfield, N. Y.

provisions; breaches of the peace; all violations of the laws and ordinances of the city, and of the board of health thereof, and all other offenses of the grade of misdemeanor under the laws of the state.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 484.

LAWS OF 1898.

CHAPTER 557.

Sec. 1. Amends Sec. 12 or Art. 1, Ch. 338, Laws of 1893, so as to read in substance as follows:

Sec. 12. When the commissioner of agriculture, and assistant commissioner or any person authorized by the Commissioner or by this chapter to examine or inspect any product manufactured or offered for sale, shall, in the discharge of his duties, take samples of such product, he shall, before taking a sample, request the person delivering the milk or who has charge of it at the time of inspection, to thoroughly stir or mix the said milk before the sample is taken. If the person so in charge refuses to stir or mix the milk as requested, then the person so requesting shall himself so stir and mix the milk before taking the sample, and the defendant shall be precluded thereafter from introducing further evidence to show that the milk so taken was not a fair sample of the milk delivered, sold, offered or exposed for sale by him. The person taking the sample of milk for analysis shall take duplicate samples thereof, in the presence of at least one witness, and shall, in the presence of said witness, seal both of said samples and shall tender, and if accepted, deliver at the time of taking one sample to the manufacturer or vendor of such product, or person possessing same, with a statement in writing the cause of taking of sample. In taking samples of milk for analysis at a creamery, factory or other place where same is delivered by the producer for manufacture, sale or shipment, or from a milk vendor who produces the milk which he sells, with a view of prosecuting the producer of such milk, for delivering, selling or offering for sale adulterated milk, the said commissioner or assistant or agent shall, within ten days thereafter, with the consent of the producer, take a sample in a like manner of the mixed milk of the herd of cows from which the milk first sampled was drawn, and shall deliver the duplicate sample to the said producer and cause the sample taken by himself or agent to be analyzed; if the sample of milk last taken by the commissioner or agent shall, upon analysis, prove to contain any higher percentage of milk solid or any higher percentage of food than the sample taken at the creamery, factory or other place, then no action shall lie against said producer for violation of subdivisions of 1, 2, 3, 7

and 8 of Sec. 28 of the Agricultural Law. In taking a second sample as above set forth from the mixed milk of the herd, it shall be the duty of the Commissioner of Agriculture to have an assistant or agent present during the entire time in which the said cattle are being milked, to observe closely, so as to be sure that the milk thus to be sampled is not adulterated, and to see that it is thoroughly mixed so that the sample taken shall be a fair sample of the average quality of the mixed milk of the entire dairy or herd of cows of said producer. If, however, the said producer refuses to allow such examination of the milk produced by his dairy, then he shall be precluded from offering any evidence whatever tending to show that the milk delivered by him at said creamery, factory or other place was just as it came from the cow. If said producer does not permit such examination, the commissioner of agriculture shall, upon receiving application therefor, send to said producer a copy of the analysis of each of the samples of the milk so taken and analyzed as above provided.

ARTICLE II.

DAIRY PRODUCTS.

DEFINITIONS.

Sec. 20. The terms "butter" and "cheese" when used in this article mean products of the dairy usually known by those terms, which are manufactured exclusively from pure, unadulterated milk or cream, or both, with or without salt or rennet, and with or without coloring matter or sage. The terms "oleomargarine," "butterine," "imitation butter" or "imitation cheese" shall be construed to mean any article or substance in the semblance of butter or cheese not the usual product of the dairy, and not made exclusively of pure and unadulterated milk or cream, or any such article or substance into which any oil, lard, or fat not produced from milk or cream enters as a component part, or into which melted butter, or butter in any condition or state, or any oil thereof, has been introduced to take the place of cream. The term "adulterated milk" when so used means:

1. Milk containing more than 88 percentum of water or fluids.
2. Milk containing less than 12 percentum of milk solids.
3. Milk containing less than 3 percentum of fats.
4. Milk drawn from cows within fifteen days before and five days after parturition.
5. Milk drawn from animals fed on distillery waste, or any substance in a state of fermentation or putrefaction, or on any unhealthy food.
6. Milk drawn from cows kept in a crowded or unhealthy condition.

HIGH GRADE Canned Vegetables and Fruits

Quality and Flavor are our strong points and we claim them for the following STRICTLY FANCY brands:

OLNEY	NECTAR
ECHO	PRIDE OF ROME
MEADOW BROOK	HOLIDAY
AMERICAN CLUB	NAPOLEON
ROSE OF SHARON	

We do not make this claim without reason. Our full line consists of **Corn, Succotash, Peas, Refugee Stringless and Golden Wax Beans, Tomatoes, Beets, Pumpkin, Squash, Red Kidney Beans, Green Lima Beans, Baked Beans, and Fruits**, the greater part of which is grown in the fertile Oneida Valley, where the soil is especially adapted to their production.

When in a perfect condition for canning purposes, the vegetables and fruits are ordered in from the growers by inspectors, whose sole business is to watch the growth of the crops and require same to be delivered at the proper time.

Everything about our factory is adapted to taking prompt care of the product as it is delivered; our machinery is up-to-date and the capacity of our plant is fully adequate to handle the most prolific yield.

We place special stress on **CLEANLINESS**; our drainage system is perfect and no refuse is allowed to accumulate around our factory.

Last, and one of the most important facts, we profit by our experience in canning, which dates back over a period of fifteen years. With these advantages we claim for the above trade-marks that superiority in **TENDERNESS** and **NATURAL FLAVOR** which is demanded by the most particular trade and seldom attained by canners.

The Burt Olney Canning Co.

ONEIDA, NEW YORK, U. S. A.

7. Milk from which any part of the cream has been removed.

8. Milk which has been diluted with water or any other fluid, or to which has been added or into which has been introduced any foreign substance whatever.

All adulterated milk shall be deemed unclean, unhealthy, impure and unwholesome. The terms "pure milk" or "unadulterated milk," when used singly or together, means sweet milk not adulterated; and the words "pure cream" and "unadulterated cream," when used singly or together, mean cream taken from pure and unadulterated milk.

CARE OF COWS.

Sec. 21. No person shall keep cows for the production of milk for market, sale or exchange, or for manufacturing the milk or cream from the same into any article of food, in a crowded or unhealthy condition, or feed such cows on distillery waste, or any substance in a state of putrefaction or fermentation, or upon any food that is unhealthy, or produces impure, unhealthy, diseased or unwholesome milk. This section shall not be construed to prohibit the feeding of ensilage.

43. Care of Cows. A person who keeps a cow or any animal for the production of milk, in a crowded or unhealthy place, or in a diseased condition, or feeds such cow or animal upon any food that produces impure or unwholesome milk, is punishable by a fine of not less than fifty dollars, or imprisonment not exceeding one year, or by both.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 80.

LAWS OF 1900.

CHAPTER 101.

Sec. 1. Amends Sec. 22 of Ch. 338, Laws of 1893, so as to read as follows:

Sec. 22. No person shall sell or exchange, offer or expose for sale or exchange, any unclean, impure, unhealthy, adulterated or unwholesome milk or any cream from the same, or any unclean, impure, unhealthy, adulterated, colored or unwholesome cream, or sell or exchange or offer or expose for sale or exchange any article of food made from such milk or cream, or manufacture from such milk or cream any article of food.

CHAPTER 429.

LAWS OF 1901.

Sec. 1. Amends Sec. 23, Chapter 338, Laws of 1893, as amended by Chapter 544, Laws of 1900, to read as follows:

Sec. 23. No person shall sell, supply or

bring to be manufactured to any butter or cheese factory any milk diluted with water, or any unclean, impure, unhealthy, adulterated or unwholesome milk, or milk from which any of the cream has been taken, except pure skim milk to skim cheese factories. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk from which there has been kept back any part of the milk commonly known as strippings, or any milk that is sour, except pure skim milk, to skim cheese factories. The owner or proprietor or the person having charge of any butter or cheese factory not buying all the milk used by him, shall not use for his own benefit, or allow any of his employes or any other person to use for his own benefit, any milk, cream, butter or cheese, or any other product thereof. Every butter or cheese manufacturer not buying all the milk he uses, shall keep a correct account of all the milk daily received, of the number of packages of butter and cheese made each day, and the number of packages and aggregate weight of cheese and butter disposed of each day, which account shall be open to inspection of any person who delivers milk to such factory. Whenever manufacturers of butter or cheese purchase milk upon the basis of the amount of fat contained therein, and use for ascertaining the amount of fat what is known as the Babcock test, or whenever the proceeds of co-operative creameries and cheese factories are allotted on the basis of determination of milk fat by the Babcock test, the bottles and pipettes used in such test shall before use be examined by the Director of the New York Agricultural Experiment Station. If such bottles are found to be properly constructed and graded so as to accurately show the amount of fat contained in milk, each of them shall be legibly and indelibly marked "S. B." No bottles shall be marked except as herein provided, nor shall be used in any such test by such manufacturers unless so examined and marked. The acid used in making such test by such manufacturers shall be examined from time to time by competent chemists employed by the Commissioner of Agriculture, and if not found of sufficient strength the use of such acid shall be prohibited. The Commissioner of Agriculture and persons employed by him for that purpose may at any time assist in making tests of milk received at any butter or cheese factory for the purpose of determining the efficiency of tests usually made at such factory. All persons using other than standard bottles or acid which is not of required strength to accurately determine the amount of fats in milk shall be subject to the penalties prescribed by section 37 of this chapter, and shall be guilty of a misdemeanor.

RANDALL'S

Unfermented

GRAPE JUICE

Nature's Great Health Drink.

A LIQUID FOOD Made from Grapes Grown in
our Vineyards at Ripley, N. Y.

"For Quality and Sweetness our Concord Grapes have no equal."

Nature is liberal in her gifts in the famous Chautauqua Grape Belt, and no grapes in the world mature to a more perfect richness in everything needed to make good grape juice than the Chautauqua grapes produced from the vineyards in Ripley, N. Y.

Randall's Grape Juice is pressed from Ripe Concord grapes, prepared and bottled without fermentation.

**A Nourishing
Food**



Sold Upon Its Merits

Our Motto: "Not how cheap, but how good."

Randall's Grape Juice is an ideal home drink. It is good for young and old, and everybody likes it. It is the richest, fruitiest, most healthful table beverage—better beyond comparison than tea or coffee. Randall's Grape Juice is a tonic, not a stimulant. It is a food as well as a beverage. It satisfies the thirst and invigorates the body. It makes new blood and strong nerves.

Its sweetness is due to the natural sugar of the grape in which Chautauqua grapes excel. Communion Wine.—It is highly adapted for sacramental use, being a true "fruit of the vine," free from alcohol.

The only Grape Juice ever awarded a Gold Medal.

Randall's Grape Juice was awarded Bronze Medal, the HIGHEST AWARD, at the Pan-American, Buffalo, 1901.

Randall's Grape Juice was awarded the GOLD MEDAL at the South Carolina Interstate & West Indian Exposition, at Charleston, S. C., 1902

If your jobber cannot supply you, write

Chautauqua Fruit Company

Ripley, N. Y., U. S. A.

"Home of the Concord Grape."

LAWS OF 1901.
CHAPTER 375.

Sec. 1. Amends Sec. 24, Chapter 338, Laws of 1893, to read as follows:

Sec. 24. No person or persons shall hereafter without the consent of the owner or owners, shipper or shippers, use, sell, dispose of, buy or traffic in any milk can or cans, cream can or cans belonging to any dealer or dealers, shipper or shippers, of milk or cream residing in the State of New York or elsewhere, who may ship milk or cream to any city, town or place within this state having the name or initials of the owner or owners, dealer or dealers, shipper or shippers, stamped, marked, or fastened on such can or cans, or willfully mar, erase, or change by re-marking or otherwise said name or initials of any such owner or owners, dealer or dealers, shipper or shippers, so stamped, marked or fastened upon said can or cans, nor shall any person or persons without the consent of such owner use such can or cans for any other purpose than for milk or cream, nor shall any person or persons without the consent of the owner place in any such can or cans any substance or substances, product or products other than milk or cream.

LAWS OF 1894.
CHAPTER 143.
CONDENSED MILK.

Sec. 1. Amends Sec. 25, Chapter 338, Laws of 1893, as amended by Chapter 564, Laws of 1893, to read as follows:

Sec. 25. No condensed milk shall be made, or offered or exposed for sale or exchange, unless manufactured from pure, clean, healthy, fresh, unadulterated and wholesome milk, from which the cream has not been removed, either wholly or in part, or unless the proportion of milk solids shall be in quantity the equivalent of 12 percentum of milk solids in pure milk, and of which solids 25 percentum shall be fat. Any person who shall manufacture, sell, offer for sale or exchange in hermetically sealed cans any condensed milk unless put up in packages, upon which shall be distinctly branded or stamped the name of the person or corporation by whom made, and the brand by which, or under which, it is made. When condensed milk shall be sold from cans or packages not hermetically sealed the vendor shall brand or label such cans or packages with the name of the manufacturer of the milk contained therein.

LAWS OF 1902.
CHAPTER 385.
OLEOMARGARINE.

Sec. 26. No person, by himself, his agents or employes, shall produce or manufacture out

of or from any animal fats, or animal or vegetable oils not produced from unadulterated milk, or cream from the same, the article known as "oleomargarine," or any article or product in imitation or semblance of natural butter produced from pure, unadulterated milk, or cream from the same, or mix, compound with or add to milk, cream or butter, any acids or other deleterious substance, or any animal fats or animal or vegetable oils not produced from milk or cream, so as to produce any article or substance, or any human food in imitation or in semblance of natural butter, nor sell, keep for sale or offer for sale any article substance or compound, made, manufactured or produced in violation of the provisions of this section, whether such article, substance or compound shall be made or produced in this state or elsewhere. Any person manufacturing, selling, exposing or offering for sale any commodity or substance in imitation or semblance of butter, the product of the dairy, shall be deemed guilty of a violation of the Agriculture law, whether he sells such commodity or substance as butter, oleomargarine or under any other name or designation whatsoever, and irrespective of any representations he may make relative to such commodity or substance. Any dealer in any article or product the manufacture or sale of which is prohibited in this act who shall keep, store, or display such article or product with other merchandise in stock in his place of business shall be deemed to have the same in his possession for sale.

LAWS OF 1900.
CHAPTER 534.

Sec. 1. Amends Sec. 27 of Ch. 338, Laws of 1893, as amended by Ch. 149, Laws of 1899, so as to read as follows:

Sec. 27. No person shall manufacture, mix or compound with or add to natural milk, cream or butter, any animal fats, or animal or vegetable oils, nor make or manufacture any oleaginous substance not produced from milk or cream, with intent to sell the same as butter or cheese made from unadulterated milk or cream, or have the same in his possession with such intent. Nor shall any person solicit or take orders for the same or offer the same for sale, nor shall any such article or substance or compound so made or produced, be sold as and for butter or cheese the product of the dairy. No person shall coat, powder, or color with annatto, or any coloring matter whatever, butterine or oleomargarine or any compound of the same, or any product or manufacture made in whole or in part from animal fats or vegetable oils not produced from unadulterated milk or

Chr. Hansen's Laboratory

Copenhagen, Denmark=====Little Falls, N. Y.

HEADQUARTERS

FOR

Extracts of Rennet, Dairy and Pure Food Preparations . . .



Department of Dairy Preparations:

LIQUID RENNET EXTRACT }
LIQUID CHEESE COLOR } for Cheese Factories.

RENNET TABLETS }
CHEESE COLOR TABLETS } for Cheese Making on the Farm.

THE MARSCHALL } For ascertaining the condition of the
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DANISH BUTTER COLOR—a pure vegetable preparation.

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LACTIC FERMENT—For ripening cream and milk.



Department of Pure Food Preparations:

JUNKET TABLETS—For dainty milk desserts and ice cream.

PURE FOOD COLORS, delicate and harmless; 6 colors—Berry Blue, Grape Green, Plum Purple, Raspberry Red, Lemon Yellow and Orange Gold.

PURE FOOD FLAVORS, absolutely pure; no artificial flavors; only the following twelve natural flavors: Vanilla, Lemon, Orange, Nutmeg, Almond, Allspice, Ginger, Clove, Cinnamon, Rose, Peppermint and Wintergreen.

MANUFACTURED AND PUT UP ONLY BY

CHR. HANSEN'S LABORATORY

P. O. Box 3001.

LITTLE FALLS, N. Y.

cream, by means of which such product, manufacture or compound shall resemble butter or cheese, the product of the dairy, nor shall he have the same in his possession with intent to sell, nor shall he sell or offer to sell the same. No person, by himself or otherwise, shall manufacture, sell, offer or expose for sale, butter that is produced by taking original packing stock, or other butter, or both, and melting the same so that the butter fat can be drawn off, then mixing the same butter fat with skimmed milk, or milk or cream or other milk product, and re-churn the said mixture, or that is produced by any similar process, and is commonly known as "boiled, or process butter," unless he shall plainly brand or mark the package or tub or wrapper in which the same is put up in a conspicuous place with the words "Renovated butter." If the same shall be put up, sold, offered or exposed for sale in prints or rolls, then the said rolls or prints shall be labeled plainly with printed letters in a conspicuous place on the wrapper with the words "Renovated butter." If the same is packed in tubs, or boxes, or pails, or other kind of a case or package, the words "Renovated butter" shall be printed on the top and side of the same, in letters at least one inch in length, so as to be plainly seen by the purchaser. If such butter is exposed for sale uncovered, not in a package or case, a placard containing the label so printed, shall be attached to the mass of butter, in such manner as to be easily seen and read by the purchaser. No person shall sell, offer or expose for sale any butter or other dairy products containing a preservative, but this shall not be construed to prohibit the use of salt in butter or cheese or spirituous liquors in club or other fancy cheese, or sugar in condensed milk. No person or persons, firm, association or corporation shall induce or attempt to induce any person or persons to violate any of the provisions of the agricultural law. Any person, firm, association or corporation, selling or offering or advertising for sale, any substance preparation of matter for use in violation of the provisions of the agricultural law, shall be guilty of a violation of this act.

Sec. 28. No keeper or proprietor of any bakery, hotel, boarding house, restaurant, saloon, lunch counter, or place of public entertainment, or any person having charge thereof, or employed thereat, who furnishes board for any others than members of his own family, or for any employes where such board is furnished for a compensation or as part of the compensation of any such employe shall keep, use or serve therein, either as food for his guests, boarders, patrons, customers, employes, or for cooking purposes, any article or substance made

in violation of the provisions of this article.

Sec. 29. No person manufacturing with intent to sell any substance or article in imitation or semblance of butter or cheese not made exclusively from unadulterated milk or cream with salt or rennet or both, and with or without coloring matter or sage, but into which any animal fat, intestinal or offal fats or any oils or fats or oleaginous substances of any kind not produced from pure unadulterated milk or cream, or into which melted butter, or butter in any condition or state, or lard or tallow shall be introduced, shall add thereto, or combine therewith any annatto or compounds of the same, or any other substance, or substances whatever for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow butter or cheese, or introduce any such coloring matter or other substance into any of the articles of which the same may be composed.

(Section 29 A added by the laws of 1899.)

Sec. 29 A. No person, or persons, shall manufacture, sell or expose for sale any poisonous coloring matter for the coloring of food products of any kind, nor shall any person or persons use any poisonous coloring matter manufactured, sold, offered, or exposed for sale within the state, nor sell, or offer, or expose for sale any food product containing such poisonous coloring matter. The State Board of Health shall cause samples of coloring matter that are exposed for sale upon the market for use in food products to be analyzed, and report the results of such analysis to the legislature at the next session.

IMITATION CHEESE.

Sec. 30. Prohibits the manufacture, dealing in, selling, offering or exposing for sale or exchange any article or substance in semblance or imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal, or natural fats or oils, or melted butter, or butter in any condition or state, or oleaginous substance of any kind not produced from unadulterated milk or cream shall be introduced.

WHEN PROHIBITION DOES NOT APPLY.

Sec. 31. Except in the counties of New York and Kings, the prohibitions contained in this article against the sale of adulterated milk shall not apply to skimmed milk which is clean, pure, healthy, wholesome and unadulterated, except by skimming, sold for use in the county in which it is produced, or in adjoining counties, if it is sold for and as skimmed milk. The prohibitions in this article against the sale of

CAPITAL \$2,000,000

AMERICAN FRUIT PRODUCT COMPANY

ROCHESTER, N. Y.

GUARANTEED BRANDS

OF

CIDER AND VINEGAR

Genesee Fruit Co.	.	.	.	New York City and Rochester, N. Y.
Duffy Cider Co.	.	.	.	Rochester, N. Y.
S. R. & J. C. Mott	.	.	.	Bouckville, N. Y.
Miller & Pettengill	.	.	.	Holley, N. Y.
Miller, Pettengill & Foster	.	.	.	Lansing, Mich.
J. C. Beach & Co.	.	.	.	Palatine Bridge, N. Y.
Duffy, Mountfort & Greene Cider Co.,	.	.	.	Newark, N. Y.
J. G. Ward & Sons	.	.	.	Ravena, N. Y.
Meinhold & Heineman Co.	.	.	.	New York City and Goshen, N. Y.
Empire Cider & Vinegar Co.,	.	.	.	Voorheesville, N. Y.

ALL Ciders and Vinegars put out under the various brands of the above makers are guaranteed to be the sole and absolute product of apples, and to conform to the Pure Food Laws of the various States wherein it is sold.

AMERICAN FRUIT PRODUCT CO.

cheese made from unadulterated milk or cream shall not apply to pure skimmed cheese made from milk which is clean, pure, healthy, wholesome and unadulterated except by skimming.

CHAPTER 153.

LAWS OF 1898.

Sec. 1. Amends Sec. 32 of Chapter 338 of Laws of 1893, so as to read as follows:

Sec. 32. No person, firm, association or corporation buying or receiving milk not produced from the dairy of such person, firm, association or corporation, for the purpose of selling the same for consumption as such, or for manufacturing the same into butter, cheese, condensed milk or other human food, shall keep the same in utensils, cans, vessels, room or rooms, building or buildings, that are unclean or that have unsanitary surroundings and drainage, or in any condition whatsoever that would tend to produce or promote conditions favorable to unhealthiness or disease. The Commissioner of Agriculture shall notify all persons, firms, associations or corporations violating this section, to clean said utensils, cans, vessels, room or rooms, building or buildings, or to so improve the sanitary conditions that the law shall not be violated. And if such notice is complied with in ten days' time, Sundays excepted, then no action shall lie for a violation of this section. The provisions of this act shall not apply to cities of the first class.

LAWS OF 1898.

CHAPTER 559.

BRANDING CHEESE.

Sec. 1. Amends Sec. 33 of Ch. 338, Laws of 1893, so as to read as follows:

Sec. 33. Every manufacturer of full milk cheese may put a brand upon each cheese indicating "Full milk cheese," and the date of the month and year when made, and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. The commissioner of agriculture shall procure and issue to all cheese manufacturers of the state, on application therefor, and under regulations as to the custody and use thereof as he shall prescribe a uniform stencil brand bearing a suitable device or motto and the words "New York State full cream cheese." Every such brand shall be used upon the outside of the cheese and shall bear a different number for each separate factory. The commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using the brand, and the name or names of the persons employed in the manufactory authorized to use the same. No such brand

shall be used upon any other than full cream cheese or packages containing the same.

FALSE BRANDS.

No. 34. No person shall offer, sell or expose for sale in any package, butter or cheese falsely branded or labeled.

COUNTY TRADE MARKS.

Sec. 35. At a regular or special meeting of a County Dairymen's Association in any county there may be adopted a county trade mark by a majority of the members present and voting, to be used as a trade mark by any person manufacturing pure, unadulterated butter, or full cream cheese in such county. The Secretary of the Association shall forthwith send to the Commissioner of Agriculture a copy of such trade mark, which shall be placed on file in his office. But one county trade mark for butter and cheese shall be placed on file in the same county. No association shall adopt any trade mark of any county already on file, or use that of any other county in the formation of a trade mark.

OBJECT OF THIS ARTICLE.

Sec. 36. This article, and each section thereof are declared to be enacted to prevent deception in the sale of dairy products, and to preserve the public health, which is endangered by the manufacture, sale and use of the articles or substances herein regulated or prohibited.

LAWS OF 1900.

CHAPTER 559.

Sec. 1. Amends Sec. 37 of Chapter 338, Laws of 1893, as amended by Chapter 435, Laws of 1899, and Chapter 76, Laws of 1900, to read as follows:

Sec. 37. Every person violating any of the provisions of articles 2 and 3, and sections 91 and 92 of the Agricultural Law, and Chapter 491 of the laws of 1898, shall forfeit to the people of the State of New York not less than \$25, nor more than \$100, for every such violation. A person who brings or causes to be brought to a butter or cheese factory, owned or operated by a co-operative association, milk diluted with water, or any unclean, impure, unwholesome, unhealthy or adulterated milk, or milk from which any cream has been taken, except pure skimmed milk to skimmed cheese factories shall forfeit to the people of the state for the first offense the sum of \$50, and for each subsequent offense the sum of \$150. Upon recovery of the penalty so prescribed, one-half thereof shall be paid into the state treasury, one-fourth to the county treasury, and the remaining one-fourth to the treasurer of the co-operative association owning or operating such cheese factory to be divided among the members thereof as the other receipts of such association.

DUFFY'S Pure Malt Whiskey



The Standard Medicinal Whiskey for nearly half a century. An ideal tonic and stimulant; a specific for Coughs, Colds, "Grippe," Malaria, Dyspepsia and Indigestion in all its forms. **WILL REALLY CURE** Consumption if taken in time and according to directions. May be sold by druggists as a medicine without payment of the U. S. Special Tax as Liquor dealers.

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When such violation consists of the manufacture or production of any prohibited article, each day during which, or any part of which, such manufacture or production is continued shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale, offering, or exposing for sale or exchange of any prohibited article, the sale of each one of several packages shall constitute a separate violation, and for each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation of this article. When the use of any such article or substance is prohibited each day during which, or any part of which, said article or substance is so used or furnished for use shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. Whoever by himself or another violates any of the provisions of articles 2 and 3 of sections 91 and 92 of the Agricultural law shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 and not more than \$200 or be imprisoned not less than one month and not more than six months, or both fine and imprisonment, for the first offense and by six months imprisonment for the second offense.

USE OF IMITATION DAIRY PRODUCTS IN STATE INSTITUTIONS.

37a. No money appropriated by law for maintenance and support in whole or in part of a state institution; nor money received by a charitable, benevolent, penal or reformatory institution from the state, or from a county, city or town thereof, or appropriated by such county, city or town for the maintenance or support in whole or in part of such institution; nor money belonging to or used for the maintenance or support of such institution, shall be expended for the purchase of, or in payment for, butterine, oleomargarine, lard cheese, or articles or products in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream, from the same, which articles or products have been rendered or manufactured in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream from the same.

DUTY OF OFFICER OF STATE INSTITUTION.

37b. No officer, manager, superintendent or agent of an institution mentioned in the first section of this act, shall purchase for the use of such institution articles or products for the purchase of which the money appropriated by law,

or by a county, city or town, is forbidden to be used by this act, and no person shall sell to, or for the use of such institution, such articles or products. Nor shall such articles or products be used as articles of food or for cooking purposes in such institutions within this state.—Revised Statutes, Codes and General Laws, 1901, vol. 1, pp. 38-45.

SEARCH WARRANTS FOR SUSPECTED DAIRY PRODUCTS.

103. A search warrant in the name of the people, directed to a peace officer commanding him to search for dairy products, imitations thereof and substitutes therefor, to open any place of business, factory, building, store, bakery, hotel, tavern, boarding-house, restaurant, saloon, lunch counter, place of public entertainment, carriage, car, boat, package, vessel, barrel, box, tub or can, containing, or believed to contain the same, in the possession or under the control of any person who shall refuse to allow the same to be inspected or samples taken therefrom by the said commissioner, assistant commissioners, or such experts, chemists, agents, or counsel as such commissioner or assistant commissioners shall duly authorize for the purpose, or to which access is refused or prevented, and to allow and enable the officer mentioned in section twelve applying therefor to take such samples of dairy products, imitations thereof and substitutes therefor, found in the execution of the warrant, as the officer applying for the search warrant shall designate when the same are found, shall be issued by any magistrate to whom application is made therefor, whenever it shall be made to appear to him that such person has refused to permit any dairy products, imitations thereof or substitutes therefor, to be inspected or samples taken therefrom, or that access thereto by any officer mentioned in section twelve has been refused or prevented, and that such officer has reasonable grounds for believing that such person has any dairy products, imitations thereof or substitutes therefor in his possession, or under his control, or that he is violating any of the provisions of this act. The provisions of section seven hundred and ninety-one to section eight hundred and twoa both inclusive, of the code of criminal procedure, shall apply to such warrant as far as applicable thereto. The peace officer to whom the warrant is delivered shall make a return in writing of his proceedings thereunder to the magistrate who issued the same.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 62.

LABELING SKIMMED MILK; PENALTY.

A person who sells or offers for sale, milk



The King of Cereal Coffees



**The Most Popular
Dessert Preparation
on the market**



**ENTIRE WHEAT
ALREADY TO EAT
CRISP AND SWEET**

Prepared by

THE GENESEE PURE FOOD CO.

LeRoy, N. Y.

from which the whole or a part of the cream has been skimmed or removed, without disclosing the fact, or having a mark or label, plainly and legibly stating the fact, conspicuously affixed to every can or vessel containing the same, under circumstances not constituting an offense, for the punishment of which provision is otherwise specially made by statute, is guilty of a misdemeanor.—Revised Statutes, Codes and General Laws, 1901, vol. 2, p. 2388.

LAWS OF 1895.

CHAPTER 70.

RELATING TO THE SALE OF OLEO-MARGARINE.

Sec. 1. The Commissioner of Agriculture, subject to the approval in writing of the Governor and Attorney General, is hereby authorized and empowered to settle, compromise and discharge all actions and causes of action or claims arising under the Agricultural Law, since its passage to the passage of this act, for any violation of sections 26, 27, 28 and 29 of the Agricultural Law, relating to the sale or use of oleomargarine so called.

Sec. 2. All moneys received pursuant to any such settlement shall be paid by said Commissioner into the treasury of the state and any settlement so made shall be reported in his next annual report.

LAWS OF 1900.

CHAPTER 543.

Sec. 1. Amends the first paragraph of Sec. 29 of Chapter 376, Laws of 1896, to read as follows: No person shall without the consent of the owner or shipper or his agent use, sell, expose or buy or traffic in any can, irrespective of its condition or the use to which it may have been applied, belonging to any dealer in or shipper of milk or cream in this state, or which may be shipped to any village, town or city in the state which can has the name or initials of such owner, dealer or shipper stamped, marked or fastened thereon, or willfully mar, erase or change by remarking or otherwise such name or initials.

LAWS OF 1901.

CHAPTER 656.

Sec. 1. Amends Section 37 of the Agricultural Law, entitled "An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of Chapter 33 of the General Laws," as follows:

Sec. 37. Every person violating any of the provisions of the agricultural law shall forfeit to the people of the State of New York the sum of not less than \$50 nor more than \$100 for the first violation, and not less than \$100 or more than \$200 for the second and each subsequent violation. When such violation consists

of the manufacture or production of any prohibited article each day during which or any part of which such manufacture or production is carried on or continued shall be deemed a separate violation of the provisions of this article. When the violation consists of the sale or the offering or exposing for sale or exchange of any prohibited article or substances, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is exposed for sale or exchange shall constitute a separate violation, and the furnishing of the same for use of any person to whom the same may be furnished shall constitute a separate violation of the provisions of articles 2, 3, 8, 11 and 12 of Sections 91 and 92 of the Agricultural Law, or of Chapter 491, Laws of 1898, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment of not less than one month nor more than six months, or both, for the first offense, and by six months imprisonment for the second offense.

ARTICLE III.

DEFINITION OF ADULTERATED VINEGAR.

Sec. 50. All vinegar which contains any proportion of lead, copper, sulphuric acid, or any other ingredients injurious to health, or any artificial coloring matter, or which has not an acidity equivalent to the presence of at least 4 and $\frac{1}{2}$ percentum by weight of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than 2 percentum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term "cider vinegar," when used in this article, means vinegar made exclusively from apple juice.

Sec. 51. Prohibits the manufacturing for sale or keeping or offering for sale:

1. Any adulterated vinegar.
2. Any vinegar or product in imitation or semblance of cider vinegar which is not cider vinegar.
3. As or for cider vinegar, any vinegar or product which is not cider vinegar.

Sec. 52. Every manufacturer or producer of cider vinegar shall plainly brand on the head of each cask, barrel, keg, or other package containing said vinegar, his name and place of business and the letters "cider vinegar." No person shall mark or brand as or for cider vinegar any package containing that which is not cider vinegar.

Sec. 53. A violation of this article is punishable by a fine of \$100 for each violation.

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LAWS OF 1898.
CHAPTER 491.
UNWHOLESOME MEAT.

Sec. 1. Amends Chapter 338, Laws of 1893, by adding the following sections, to be known as Sections 71, 72 and 73, which are in substance as follows:

Sec. 71. No person shall slaughter for the purpose of sale as food, or expose for sale or sell within this state, or bring or cause to be brought into any city, town or village within the state for food, any calf or carcass of the same or part thereof, except the hide, unless it is in good healthy condition, and was at least four weeks of age at the time of killing.

Any person authorized by the commissioner of agriculture may examine any calf or veal offered or exposed for sale or kept with intent to sell as food, and if such calf is under four weeks of age or the veal is from a calf killed under four weeks of age, or from a calf in an unhealthy condition when so killed, he may seize the same and cause it to be destroyed in such a manner as to make it impossible to be thereafter used as food.

Sec. 72. It shall be unlawful for any corporation, partnership, person or persons to ship to or from any part of this state, any carcass or carcasses of a calf or calves, or any part of such carcass except the hide, unless they shall attach to every carcass or part thereof so shipped, in a conspicuous place, a tag that shall stay thereon during such transportation, stating the name of the person who raised the calf, the name of the shipper, point of shipping, and the destination and age of the calf.

Sec. 73. No railroad company, express company, steamboat company, or other common carrier, shall carry or receive for transportation any carcass or carcasses of calves or any part of same except the hide, unless said carcass or carcasses or part thereof shall be tagged as herein provided.

THE LAWS OF 1902. CHAP. 30.
VEAL.

Sec. 70e. No person shall slaughter for the purpose of selling the same for food, expose for sale, or sell within this state or bring or cause to be brought in any city, town or village in this state for food any calf or carcass of the same, or any part thereof, except the hide, without it is in a good, healthy condition and is at least four weeks of age at the time of killing. Any person or persons duly authorized by the commissioner of agriculture may examine any calf or veal found within this state offered or exposed for sale or kept with intent to sell as food, and if such calf is under four weeks of age, or the veal is from a calf

killed under four weeks of age, or from a calf in an unhealthy condition when so killed he may seize the same and cause it to be destroyed or disposed of in such manner as to make it impossible to further use as food.

Sec. 70f. On or after the passage of this act it shall be unlawful for any corporation, partnership, person or persons to ship to or through any part of this state any calf or carcass of a calf or calves or any part of such carcass, except the hide, unless they shall attach to every carcass or part thereof so shipped, in a conspicuous place, a tag that shall stay thereon during such transportation, stating the name of the person or persons who raised the calf, the name of the shipper, the points of shipping and destination and age of the calf.

Sec. 70g. No railroad company, express company, steamboat company, or other common carrier shall carry or receive for transportation any calves or carcass of a calf or calves, or any part thereof, except the hide, unless said calves or carcasses or parts thereof shall be tagged as herein provided.

LAWS OF 1898.
CHAPTER 194.
MAPLE SUGAR, ETC.

Sec. 1. Amends Section 91 of Chapter 338, Laws of 1893, so as to read in substance as follows:

Sec. 91. (1) No person shall manufacture for sale, keep, offer or expose for sale any sugar in imitation or semblance of maple sugar, which is not pure maple sugar, nor any syrup in imitation or semblance of maple syrup which is not pure maple syrup, nor shall any person manufacture, offer or expose for sale any sugar as and for maple sugar which is not pure maple sugar, nor any syrup as and for maple syrup which is not pure maple syrup.

(2) For the purposes of this act the term "Maple Sugar" shall be deemed to mean sugar made from pure maple sap or pure maple syrup, and the term "Maple Syrup" shall be deemed to mean syrup made from pure maple sap.

Sec. 2. The following section is hereby added to Chapter 338, Laws of 1893, and shall be known as Section 92:

Sec. 92. No person shall manufacture, sell, or expose for sale any compound or mixture as and for maple sugar, which shall be made up of maple sugar mixed with any other sugar, or any other substance without branding or labeling the said sugar with a statement giving the ingredients of which it is made up. No person shall manufacture, sell, or expose for sale, or offer for sale any compound or mixture as syrup which shall be made up of maple syrup



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mixed with any other syrup or ingredient without branding or labeling said syrup with a statement giving the ingredients of which it is made up. This shall not be construed to apply to a syrup or syrups manufactured and sold for medicinal purposes only.

BEET SUGAR CULTURE.

LAWS OF 1897.

Sec. 71. Commissioners of agriculture to apportion moneys appropriated for promotion of sugar beet culture. Money appropriated for the promotion of sugar beet culture by scientific and practical experiment shall be apportioned by the commissioners of agriculture to the persons, firms, associations or corporations entitled thereto, according to the provisions of this article.

LAWS OF 1899.

Sec. 72. Persons, et cetera, to whom moneys may be distributed. Any person, firm, association or corporation, engaged in the manufacture of sugar from beets grown in the state of New York, upon registration in the office of the commissioner of agriculture, and filing a certificate therein, stating the name of such person, firm, association or corporation, the location of the factory, and the capacity thereof, and the time when the manufacture of sugar began or is to begin, shall be entitled to a distributive share of the amount appropriated for the promotion and encouragement of sugar beet culture, as provided in this article. No such person, firm, association or corporation shall receive any portion of the moneys so appropriated, unless all the beets used in the manufacture of such sugar are grown within the state of New York, and unless the grower receive therefor a net sum of not less than five dollars per ton, to be delivered at such point as may be agreed upon by the grower and the manufacturer, and provided such beets are not grown by the manufacturer of such sugar. No money shall be distributed to such manufacturers unless the sugar manufactured by them shall contain at least ninety per centum of crystallized sugar. The commissioner of agriculture may expend such sum or sums as he may deem necessary or expedient, not exceeding ten per centum of the amount appropriated for the purposes of this article, in practical and scientific experiments in growing sugar beets in one or more sections of this state, for the purpose of determining the adaptability of the soil thereof for the production of sugar beets.

Sec. 2. This act shall take effect immediately, and shall apply to all moneys appropriated by the provisions of chapter one hundred and

ninety-one of the laws of eighteen hundred and ninety-eight and not heretofore distributed.

LAWS OF 1897.

Sec. 73. Statements; inspections, branding of packages. The quantity and quality of sugar upon which said money is to be paid shall be determined by the commissioner of agriculture of this state, with whom all claimant shall, from time to time, file verified statements showing the quantity and quality of sugar manufactured by them, the price paid the producer for beets and upon which said money is claimed. The said commissioner shall, without unnecessary delay, visit or cause to be visited by such persons as he shall designate in writing the factory where said sugar has been produced or manufactured, and take such evidence by the sworn testimony of the officers or employes of such factory or others, as to the amount and quality of sugar so manufactured, and the price paid for beets as to him or the person so designated by him shall appear satisfactory and conclusive. The sugar so manufactured shall be placed by the manufacturer in original packages, which shall be examined and branded by the said commissioner or person by him designated, with a suitable brand, showing the quantity and the quality of sugar contained in each of said packages, of which an accurate account shall be kept by said inspector, and filed in the office of the commissioner of agriculture of this state.

Sec. 74. Inspectors, to be appointed by the commissioner. It shall be the duty of the commissioner of agriculture to appoint a resident inspector in each town or city where one or more manufactories of sugar may be located in this state, the aggregate output of which factories shall exceed two thousand pounds of sugar per day, and such examiner shall make such examinations, take such evidence and make such records and reports as is specified in section two of this act. The compensation or fee for such service of said inspector shall not exceed the sum of twenty-five cents for each package so branded, nor the sum of five dollars per day for any one day's service, and such resident inspector shall be required to give a good and sufficient bond in the sum of not less than two thousand dollars to the state of New York, contingent on the faithful performance of his duties, said bond to be approved by the said commissioner of agriculture. Said fees or compensation, together with the cost of said brand and any and all analysis that the said commissioner of agriculture or other authorized inspector shall require to be made, shall be borne and paid by the claimant of said money.

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Made at our Mills at Albion and Tonawanda, N. Y.

Capacity 75,000 barrels
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Absolutely pure, made from New York State Apples

For sale at very attractive prices

Connection and Correspondence solicited with large
dealers desiring to handle the best goods made.

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LAWS OF 1899.

Sec. 75. Weighman, powers and duties. It shall be the duty of the commissioner of agriculture to appoint at each sugar manufactory in this state where the output of such manufactory shall exceed two thousand pounds of sugar per day, a person who shall weigh all beets received by the person or persons, corporation or association operating said manufactory. Such person shall be known as the weighman, and he shall keep accurate record of all duties performed by him. He shall discharge all duties pertaining to his position in an impartial manner, and shall furnish the commissioner of agriculture with a good and sufficient bond in the sum of two thousand dollars for the faithful discharge of his duties as prescribed by this act. The commissioner of agriculture may appoint such person or persons to assist said weighman as the service to be performed may require. Each person so appointed shall give bond as provided by this section. The weighman shall taken into his possession, promptly on receipt of beets at such manufactory, such samples of beets as he deems fair and equitable, from which to remove dirt or other dockage. He shall then promptly weigh all beets from which samples have been taken and keep an accurate record of all weights, and all of such records shall show the names of both the seller and the buyer. The weights furnished by said weighman shall be accepted by both the seller and the buyer, and upon such weight so furnished settlement between the seller and the buyer shall be made. The compensation or fee allowed such weighman shall not exceed the sum of five dollars per day for time actually employed and for his assistants a sum not to exceed three dollars per day for the time actually employed. All expenses arising from the duties of said weighman or his assistants, as prescribed by this act, shall be paid by the person or persons, corporation or association operating such manufactory where such expense is incurred. The foregoing provisions of this section as to weighing shall not apply to such beets as are weighed by agreement of the buyer and seller at the station of shipment, but the weighing in such cases shall be done by persons appointed by the commissioner of agriculture and the expense of such weighing shall be borne as provided in this act.

Sec. 2. This act shall take effect immediately.

LAWS OF 1897.

Sec. 76. Distribution of moneys by commissioner of agriculture. On or before the first day of February in each year, the commissioner of agriculture shall prepare a detailed state-

ment of the quantity of sugar manufactured by each person, firm or association or corporation entitled to receive a portion of the moneys appropriated for the promotion and encouragement of sugar beet culture. He shall apportion to each such person, firm, association or corporation the moneys so appropriated according to the amount of sugar of the grade described in this article manufactured by each of them during the preceding year. Not more than one cent a pound shall be paid in any one year on account of the sugar so manufactured. Such commissioner of agriculture shall certify to the comptroller the amount apportioned to each manufacturer of sugar according to the provisions of this article: and the comptroller shall draw his warrant upon the state treasurer for the amount so certified, payable to the party or parties to whom such apportionment was made.

Sec. 2. Articles five and six of said act are hereby made articles six and seven.

Sec. 3. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be paid in the manner prescribed in this act for the purpose of making effectual the provisions thereof.

Sec. 4. This act shall take effect immediately.

THE PUBLIC HEALTH LAW.

THE ENFORCEMENT OF THE FOLLOWING LAWS COME WITHIN THE PURVIEW OF THE DUTIES TO BE PERFORMED BY THE STATE BOARD OF HEALTH.

ARTICLE III.

DEFINITION.

Sec. 40. The term "food" as used herein shall include every article of food and every beverage used by man, and all confectionery. The term "drug" when so used shall include all medicines for external and internal use.

Sec. 41. No person shall within the state manufacture, produce, compound, brew, distill, have, sell or offer for sale, any adulterated food or drug. An article shall be deemed to be adulterated within the meaning of this act:

A. In the case of drugs:

1. If when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein.

2. If when sold under or by name not recognized in the United States Pharmacopœia, but which is found in some other Pharmacopœia or other standard work of *Materia Medica*, it differs materially from the standard of strength, quality or purity laid down in such work.

PETER COOPER'S
CLARIFIED
GELATINE
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WINE, JELLIES,
BLANC MANGE,
CHARLOTTE RUSSE.

**OUR PULVERIZED GELATINE is the most
convenient for family use, as it dissolves
in a few minutes.**

FOR SALE BY ALL GROCERS

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3. If its strength or purity fall below the professed standard under which it is sold.

B. In the case of food:

1. If any substance or substances has or have been mixed with it so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or cheaper substance or substances have been substituted in part or in whole for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of or sold under the name of another article.

5. If it consists wholly or in part of a diseased, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk if it is the produce of a diseased animal.

6. If it be colored, coated, polished or powdered whereby damage is concealed, or whereby it is made to appear better than it really is, or of greater value.

7. If it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it. Provided that an article of food which does not contain any ingredient injurious to health shall not be deemed to be adulterated. In the case of mixtures or compounds which may be now or from time to time thereafter known as articles of food under their own distinctive names, or which shall be labeled so as to plainly indicate that they are mixtures, combinations, compounds or blends, and not included in definition fourth of this section.

C. In the case of spirituous, fermented and malt liquors, if it contain any substance or ingredient not normal or healthy to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health, when such liquors are used as a beverage. In the case of ale or beer if it contains any substitute for hops, or pure extract of hops, or if any such substitute is used in the manufacture thereof.

D. In the case of confectionery, if it contains terra alba, barytes, talc or other mineral substance, or poisonous colors or flavors or other ingredients deleterious or detrimental to health. If the standard of any article of any food or any drug is not established in a national pharmacopœia. The State Board of Health shall from time to time fix the limit of variability permissible therein. The State Board of Health may from time to time with the approval of the Governor declare what articles or preparations shall be exempt from the provisions of this article and publish a list of said articles which shall thereafter be so exempt. Every person violating any of the provisions of this section shall forfeit to the people of the

state the sum of \$100 for every such violation.

DILUTED OR ADULTERATED FOODS.

41a. 1. A person who, with the intent that the same may be sold as adulterated or undiluted, adulterates or dilutes wine, milk, distilled spirits or malt liquor, or any drug, medicine, food or drink, for man or beast, or,

SALE OF ADULTERATED OR DILUTED FOODS AS GENUINE.

2. Knowing that the same has been adulterated or diluted; offers for sale or sells the same as unadulterated or undiluted, or without disclosing or informing the purchaser that the same has been adulterated or diluted in a case where special provision has not been made by statute for the punishment of the offense, or,

CANAL ICE.

3. Sells or offers to sell, or stores or transports with intent to sell for any purpose other than cooling beer in casks, ice cut from any canal or from the wide waters or basins of any canal, unless the ice so sold, or offered for sale or stored or transported, is contained in a building, cart, car, sleigh, float or receptacle upon which is plainly marked in Roman or capital letters, not less than eight inches square, the words "canal ice" or,

MAPLE PRODUCTS AND HONEY.

4. Who shall adulterate maple sugar, maple syrup, or honey, with glucose, cane sugar or syrup, beet sugar or syrup, or any other substance for the purpose of sale, or who shall knowingly sell or offer for sale maple sugar, maple syrup or honey that has been adulterated in any way, shall be deemed guilty of a misdemeanor.

CANNED FOODS, ETC.

5. Violate any provisions of section thirty of the domestic commerce law, relating to canned and preserved food.

41b. Adulteration of Fruit Juices, etc.; Penalty. Any person who shall knowingly sell, offer or expose for sale, or give away, any compound or preparation composed, in whole or in part, of any unwholesome, deleterious or poisonous acid, or other unwholesome, deleterious or poisonous substance as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, representing such compound or preparation to be the pure, unadulterated and unfermented juice of any of such fruits; or who, in the mixing, decoction, or preparation of food or drink, shall knowingly use any such compound or preparation in the place of, or as a substitute for, the pure, un-

**THE
UNITED STATES
COMMISSARY
DEPARTMENT
SELECTS**

WHEATLET

OVER ALL OTHER CEREALS.

For Uncle Sam's boys, the Government demands the best. Unsolicited, the Government's order for

WHEATLET

reaches us regularly, because careful test proved Wheatlet the best cereal.

Here's what the U. S. Government Maine Experimental Station says unprejudiced (they've analyzed all of 'em, too):

"Wheatlet, made from choice selected wheat especially rich in the nitrogenous elements, is a well prepared food of good composition, carrying a higher per cent. of protein (13.6 per cent.) than most of the wheat preparations."

Don't waste time and effort on any of the many imitations of

**Franklin
MILLS
FLOUR**

THE FRANKLIN MILLS COMPANY

"All the Wheat that's Fit to Eat."

Originators and Exclusive Manufacturers
of WHOLE WHEAT PRODUCTS.

The Entire Wheat Flour people know about, because it was the first to create a demand and it satisfies.

LOCKPORT, N. Y.

adulterated and unfermented juice of one or more of such fruits, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than two hundred and fifty dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

TAINTED OR SPOILED FOODS, ETC.

41c. A person who with intent that the same may be used as food, drink, or medicine, sells or offers or exposes for sale, any article whatever which to his knowledge, is tainted or spoiled, or for any cause unfit to be used as such food, drink, or medicine, is guilty of a misdemeanor.

IMITATION FOODS.

41d. A person who sells or manufactures, exposes or offers for sale as an article of food any substance in imitation thereof, without disclosing the imitation by suitable and plainly visible mark or brand, is guilty of a misdemeanor.—Revised Statutes, Codes, and General Laws, 1901, vol. 2, pp. 2816-2817.

DRUGS.

197. Subdivision 1. Standard. Unless otherwise prescribed for, or specified by the customer, all pharmaceutical preparations, sold or dispensed in a pharmacy, dispensary, store or place, shall be of the standard strength, quality and purity, established by the latest edition of the United States Pharmacopœia.

Subdivision 2. Responsibility of Druggist. Every proprietor of a wholesale or retail drug store, pharmacy, or other place where drugs, medicines or chemicals are sold, shall be held responsible for the quality and strength of all drugs, chemicals or medicines sold or dispensed by him, except those sold in original packages of the manufacturer, and those articles or preparations known as patent or proprietary medicines.

Subdivision 3. Adulteration of Drugs. Any person who shall knowingly, wilfully or fraudulently, falsify or adulterate any drug, medical substance or preparation, authorized or recognized in the said Pharmacopœia, or used or intended to be used in medical practice or shall knowingly, wilfully or fraudulently offer for sale, sell or cause the same to be sold, shall be guilty of a misdemeanor; all drugs, medical substances, or preparations so falsified or adulterated shall be forfeited to the board and by the board destroyed.—Revised Statutes, Codes and General Laws, 1901, vol. 2, p. 2861.

FLOUR.

70. Quality of Flour Casks. All wheat flour, rye flour, Indian meal or buckwheat meal manufactured in this state for exportation shall be packed in good strong casks made of seasoned

oak or other sufficient timber, and hooped with at least ten hoops, three of which shall be on each chime, and properly nailed.

71. Size of Flour Casks. The casks shall be of two sizes only. One size shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches long and each head sixteen and one-half inches in diameter; and the other size shall contain ninety-eight pounds, with staves twenty-two inches long and each head fourteen inches in diameter, or with staves twenty-seven inches long and each head not more than twelve inches in diameter. But Indian meal may likewise be packed in hogsheads which shall contain eight hundred pounds.

72. Brand of Weight and Manufacturer. The casks shall be made as nearly straight as may be, and their tare shall be marked on the head with a marking iron; they shall be branded with the weight of the flour and meal contained therein, and branded or painted with the initial letter of the Christian name and the surname at full length of the manufacturer thereof; except hogsheads of Indian meal, on which the weight only shall be branded.

73. Quality Brand. Every such cask of wheat flour shall also be branded as follows: If of a very superior quality "extra superfine," if of a quality now branded "superfine" with the word "superfine;" if of a third quality, "fine;" if of a fourth quality, "fine middlings;" if of a fifth quality, "middlings;" if of a sixth quality, "ship stuffs."

74. Quality Brand for Rye Flour. Each cask of rye flour intended for the first quality shall be branded with the words "superfine rye flour," and each cask intended for the second quality with the words "fine rye flour."

75. Brands for Indian Meal and Buckwheat. Each cask of Indian meal shall be branded with the words "Indian meal;" and each cask of buckwheat meal, with the letter and the word "B meal."

76. False Brands; Penalty. A person shall not knowingly offer for sale any cask of flour or meal upon which the tare is undermarked, or in which there is a less quantity of meal than is branded thereupon. A manufacturer of flour or meal shall not undermark the tare of any cask, or put therein a less quantity of meal than is branded thereupon; but if the light weight of any such cask has been occasioned by some accident unknown to the manufacturer, and which happened after the packing of the cask, it shall not be deemed a violation of this section. A person violating any provision of this section shall forfeit to the people of the state the sum of five dollars for every such violation.

WHAT HAS MADE SARATOGA

THE MOST FAMOUS MINERAL WATER IN AMERICA—THE CONGRESS SPRING.

There is always an original, and the original is always imitated and copied and parodied. The saying that "imitation is the sincerest flattery" is not only true in itself, but it suggests a great deal more than it asserts. It proves the existence of a great demand and shows that when a great want is satisfied, a pressing need supplied, the people recognize the fact, even to the extent of accepting spurious or inferior articles in place of the genuine one.

The history of the famous Congress Spring at Saratoga vividly illustrates all these points. It was the pioneer mineral spring in America. Bunch all the mineral waters in America into one proposition and it is at once seen that Congress Water is the foundation of all business in that line in this country.

Congress Water is a century old, reckoning from its discovery and utilization, yet it is as valuable to-day as ever, as effective to cure and to maintain health. Not only does it continue to perform its beneficent services for those who visit its home, and drink it fresh from the spring, but it is carried to the uppermost parts of the earth, since the art of bottling has become well known and practised to the extent we are all so familiar with today.

Congress Spring Water acts directly, gently, naturally, persistently and always effectively, upon the seat of a great proportion of the ills our human flesh is heir to—the digestive organs. It performs its mission easily, pleasantly, seductively. It pleases while it corrects. It is pleasant to the taste, and thus wins its opportunity to effect the cure it is capable of. It is highly carbonated, cathartic and alterative, yet so gentle is its influence that persons in vigorous health experience no ill effects from its use. Quite otherwise—they are confirmed in their good health.

Congress Water helps to assimilate food and has the power to transform the debilitated dyspeptic into a healthy and vigorous person. It seeks out the source of trouble, and by working at the fountain head of the digestive system, purifies the whole, restores the whole to normal soundness and regularity.

From the primary action and functions of the stomach, which separates the elements of food and assigns each element to its proper task and sends it to its proper functional destination, to the blood, which is the refined result of all food, Congress Water finds its beneficent way through the whole system, and plays its helpful role everywhere, never failing to do its duty without fuss or disturbance, thoroughly and pleasantly.

From the New York Journal.

77. **Altering or Counterfeiting Brands; Penalty.** No person shall alter or counterfeit any brand marks, whether state or private, made under the provisions of this article, or put any flour or meal in any empty cask previously used and branded, and offer the same for sale in such cask without first cutting out the brands. A person violating the provisions of this section in regard to altering or counterfeiting any brand marks shall forfeit to the people of the state the sum of one hundred dollars for each such violation, and a person violating any other provision of this section shall forfeit to the people of the state the sum of five dollars for each violation.

78. **Mixed Flours; Penalty.** No person shall knowingly offer for sale as good wheat flour, any flour which contains a mixture of Indian meal, or any other mixtures, or any unsound flour. A person violating this section shall forfeit to the people of the state the sum of five dollars for each such violation.

79. **Transportation of Indian Meal; Penalty.** No person having charge of any vessel shall transport, into the city of New York, any Indian meal upon the deck of any vessel. Every person violating this section shall forfeit to the people of the state twenty cents for every barrel and eighty cents for every hogshead transported in violation of any provision of this section.—Revised Statutes, Codes and General Laws, 1901, vol. 1, pp. 1035-1036.

DUTIES OF THE STATE BOARD OF HEALTH.

Sec. 42. The State Board of Health shall take cognizance of the public health as affected by the sale and use of food and drugs, and the adulterations thereof, and make the necessary inquiries and investigations relating thereto. They shall appoint such public analysts, chemists and inspectors as may be necessary for that purpose. It shall from time to time adopt such measures and make such regulations and declarations in addition to the provisions of this article as may seem necessary to facilitate the enforcement of this article, or for the purpose of making an examination or analysis of any food or drug sold or exposed for sale in the state and such regulations and declarations made in any year shall be filed in the office of the secretary of state, and published in the session laws, and published after the expiration of thirty days from such filing.

SPIRITUOUS, FERMENTED OR MALT LIQUORS.

Sec. 43. The State Board of Health shall at least once in each calendar year cause samples to be procured in the public market or other-

wise of all spirituous, fermented or malt liquors, distilled, brewed, manufactured, sold or offered for sale in each brewery and distillery located in this state. Such samples shall be kept in vessels in a conditon to obtain a proper test and analysis thereof.

Such vessels shall be properly labeled and numbered by the secretary of such board, who shall prepare and keep an accurate list of the numbers of the distillers, brewers and vendors of the liquors from which the samples are taken, and opposite each name shall appear the number which is printed or written on the label attached to the vessel containing the sample. Such lists, numbers and labels shall be exclusively for the information of such board and shall not be exposed or published unless upon discovery of some deleterious substance therein prior to the completion of the analysis, or required for evidence in court. When received and numbered, every such sample shall be delivered to an analyst, chemist or officer of the board, and be designated and known to him only by its number and by no other mark of designation. A test of analysis of such sample shall be made by such analyst, chemist or officer which shall determine the ingredients or components parts thereof. The result of such analysis or test shall immediately be reported by the person making same to the secretary of such board, setting forth explicitly the nature of any deleterious substance, compound or adulteration found therein which may be detrimental to public health, and the number of samples in which it is found. Any brewer, distiller or vendor in whose samples any such substance, compound or adulteration is found upon any such test or analysis, shall be deemed to have violated the provisions of this article, prohibiting the manufacture, selling, having or offering for sale adulterated food.

Sec. 44. Every person selling, offering, or exposing for sale or manufacturing or producing any article of food, or any drug, shall upon the value thereof being tendered, furnish any analyst, chemist, officer or agent of the State Board of Health, or of any local Board of Health, with a sample of any such article or drug sufficient for the purpose of analysis or test. For every refusal to furnish the same the person so refusing shall forfeit to the people of the state the sum of \$100.

MILK.

Sec. 45. When a health officer or other officer shall seize, or destroy, or cause to be seized or destroyed any milk, he shall take a sample thereof in the presence of at least one witness, and shall in such presence seal such



Grand Imperial

SEC AND BRUT
CHAMPAGNE

Received the highest award at Chicago and Paris, and gold medal at Pan-American Exposition.

This wine has no equal for PURITY and EXCELLENCE, and is used in many of the best Hotels, Homes and Clubs in preference to foreign vintages. For sale and recommended by all leading grocers and wine merchants everywhere. Send for samples and prices.

Germania Wine Cellars

Hammondsport and Rheims, N. Y.

FRENCH'S BLUE CARTON SPICES

The Most Satisfactory Spices
FOR THE MERCHANT TO HANDLE.

Pure, Clean and Wholesome

THE R. T. FRENCH COMPANY,
CHICAGO, ILL. Main Offices and Water Power Mills TORONTO, ONT.
ROCHESTER, NEW YORK.

sample and tender it to the vendor or person having such milk, and if accepted shall deliver therewith a statement of the date and cause of such seizure or destruction. Any health officer violating the provisions of this section shall be liable to a penalty of \$50 to be recovered by the person aggrieved.

ADULTERATION OF WINE.

Sec. 46. All wines containing alcohol, except such as have been produced by natural fermentation of pure, undried fruit juices or combined with distilled spirits, whether denominated wines, or by any other name, which may be used as a beverage, or combined with other liquors intended for use, and all compounds of the same with pure wine, and all preserved fruit juices compounded with substances not produced from undried fruit intended for use as a beverage, or for use in the fermentation or preparation of liquors intended for such use, and all wines, imitations of wines, or other beverages produced from fruit which shall contain alum, baryta, salts, caustic lime, carbonate of soda, carbonic acid, salts of lead, glycerine, salic acid, or any other antiseptic coloring matter not produced from undried fruit, artificial flavoring, essence of ether, or any other foreign substance injurious to health, shall be known as, or deemed to be, adulterated wine and shall not be sold, offered for sale or manufactured with intent to sell within the state. All such wine and every such beverage shall be deemed a public nuisance and forfeited to the state and be summarily seized and destroyed by any health officer within whose jurisdiction it shall be found, and the reasonable expense of such seizure shall be a county charge.

PURE WINE DEFINED.

Sec. 47. For the purpose of this article, pure wine shall be deemed to mean the fermented juice of undried grapes, or other undried fruits, but the addition of pure sugar to perfect wine, or pure distilled wines to preserve it, not to exceed 8 per cent of its volume, or the use of things necessary to clarify or refine the wine, not injurious to health, shall not be construed as adulteration, if such wine contain at least 75 per cent of pure grape or other undried fruit juice.

HALF WINE AND MADE WINE DEFINED; PACKAGES, HOW STAMPED OR LABELED.

Sec. 48. For the purpose of this act, any wine that contains less than 75 per cent and more than 50 per cent of pure grape, or other undried fruit juice, and is otherwise pure, shall be known as half wine, and upon each and every package of such wine manufactured with

intent to sell, sold or offered for sale within this state, if containing more than three gallons, there shall be stamped on both ends of the package containing the same in black printed letters at least one inch in height, the proper proportion in width, the words "Half wine," and if containing more than one quart, and not more than three gallons, there shall be stamped on each package in plain printed black letters at least one-half inch high, and of the proper proportion as to width, the words "Half wine"; and if in a package or bottle of one quart or less, there shall be placed a label, securely pasted thereon, having the words "Half wine," plainly printed in black letters, at least one-quarter of an inch high, and of proper proportions as to width. If any number of small packages is enclosed in a larger package, as a box, barrel, case, or cask, such outside package shall have thereon the stamp of "Half wine," in letters of a size, according to the size of such outer package. Every person who shall sell, offer for sale, or manufacture with intent to sell any wine containing less than 50 per centum of pure grape or other undried fruit juice, and otherwise pure, shall cause all the packages containing the same to be stamped, marked and labeled with the words "Made wine," in the same manner as "Half wine," so required in this section to be stamped, marked and labeled, and all such wine shall be known and sold as "Made wine."

PENALTIES.

Sec. 49. Every person who manufactures with intent to sell, sells, or offers for sale within the state any wine of a kind or character, the manufacture or offering for sale or sale of which is prohibited by this article or which is not stamped, marked or labeled as required herein, shall forfeit to the county wherein such manufacture, sale or offering for sale takes place the sum of one-half dollar for each gallon thereof so sold or manufactured with intent to sell. The provisions of the three preceding sections of this article shall not apply to medicated wines which are put up and sold for medicinal purposes only.

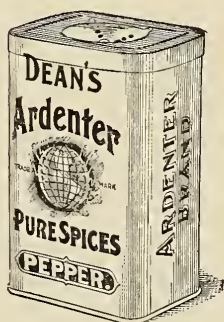
REPORT TO DISTRICT ATTORNEY.

Section 50. Upon discovering any violation of the provisions of the Penal Code relating to the adulteration of foods and drugs, the said Board of Health shall immediately communicate the facts to the district attorney of the county where the violation occurred, who shall thereupon commence proceedings for the indictment and trial of the person so charged. Nothing in this act shall be construed to in any way repeal or affect any of the provisions of chapter 183 of the Laws of 1885, or the acts

DEAN'S ARDENTER Strictly Pure Spices and Mustard

This Mustard is warranted pure, to comply with the food laws of different States.

FOR TABLE AND MEDICAL USE



W. G. Dean & Son

361 and 363 Washington St.,

NEW YORK

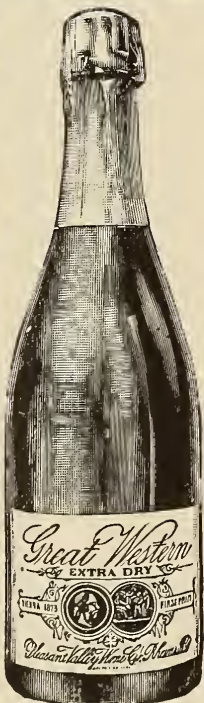


GREAT WESTERN CHAMPAGNE

is the purest and most healthful of wines, and has its place in the best homes for daily use. Received the only

GOLD MEDAL

(highest award) given to an American champagne at the Paris Exposition of 1900. The present vintage has never been excelled in excellence, and this company have never made or sold an imitation of any kind or character.



PLEASANT VALLEY WINE CO.

SOLE MAKERS, - - RHEIMS, N. Y.

Sold by respectable wine merchants everywhere.

amendatory thereof, or supplemental thereto, or of chapter 515 of the Laws of 1899, nor to prohibit the coloring of butter made from milk, the product of the dairy, or the cream from the same with coloring matter which is not injurious to health.

CANNED GOODS.

30. Labeling of Canned Goods; Penalty. No packer or dealer in hermetically sealed, canned or preserved fruits, vegetables or other articles of food within this state excepting canned or condensed milk or cream, shall sell or offer the same for sale for consumption within this state, unless the cans or jars containing the same shall have plainly printed upon a label thereupon with a mark or term clearly indicating the grade or quality of the articles contained therein, the name, address and place of business of the person or corporation canning or packing them, or the name of the wholesale dealer in the state selling or offering the same for sale, and the name of the State, county and city, town or village where packed, preceded by the words "packed at."

If containing soaked goods or goods put up from products dried or cured before canning, there shall also be printed upon the face of such label in good legible type, one-half of an inch in height and three-eighths of an inch in width, the word "soaked."

Goods imported from foreign countries of foreign manufacture shall not be subject to the provisions of this section.

Any person violating any of the provisions of this section shall forfeit to the city, village or town where the violation occurs, the sum of fifty dollars, if a retail dealer, and the sum of five hundred dollars if a wholesale dealer or packer.—Revised Statutes, Codes and General Laws, 1901, vol. 1, p. 1825.

HONEY.

LAWS OF 1902. CHAP. 214.

Sec. 80a. Definition. The terms honey, liquid, or extract honey, strained honey, or pure honey as used in this act, shall mean the nectar of flowers that has been transported by and is the natural product of the honey bee taken from the honey comb and marketed in a liquid, candied or granulated condition.

Sec. 80b. Imitation Honey. No person shall sell, keep for sale, expose or offer for sale any article or product in imitation or semblance of honey branded as honey, or pure honey which is not pure honey. No person or persons, firm, association, company or corporation shall manufacture, sell, expose or offer for sale any compound or mixture branded and labeled as and for honey which shall be made up of honey mixed with any other sub-

stance or ingredient. There may be printed on the package containing such compound or mixture a statement giving the ingredients of which it is made; if honey is one of such ingredients it shall be so stated in the same sized type as are any other ingredients, but it shall not be sold, exposed or offered for sale as honey; nor shall such compound or mixture be branded or labeled with the word honey, or any other form that is herein provided; nor shall any product in semblance of honey, whether a mixture or not, be exposed or offered for sale as honey or be branded or labeled with the word honey unless such article is pure honey.

REGULATIONS OF THE STATE BOARD OF HEALTH.

The state board of health at a meeting held on the twenty-fourth of February, eighteen hundred and eighty-three, unanimously adopted the following resolutions:

Resolved, That under and pursuant to section four of chapter two hundred and seven of the laws of eighteen hundred and eighty-one, the following mixtures when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

1st. Coffee mixtures containing no other substances except chicory, peas or cereals, and in which mixtures the pure coffee shall not be less than fifty per cent of the whole mixture or compound, provided the exact percentage of coffee be printed upon the label of each package.

2d. Mustard mixture with wheat or rice flour, to which no other substance, or article, or any coloring matter except turmeric is added, and in which mixture the pure farina of mustard shall not be less than forty per cent of the whole mixture or compound, exclusive of the mustard hulls.

The labels on the above mixtures shall contain the names of each and every ingredient of the mixture.

The labels shall also exhibit the percentage of the characteristic constituents; for example, the percentage of coffee in the coffee mixture, and the percentage of mustard in the mustard mixture.

The above mentioned information shall be printed on the labels in black ink, in legible antique type of a size easily to be read, on one side of the package.—Approved March 24, 1883.

At a meeting of the state board of health, held at the central office, January 16, 1883, the following resolution was adopted:



TOURNADE'S KITCHEN BOUQUET.

30 YEARS A FAVORITE.

**For Soups, Sauces, Gravies, Roasts, Stews, Entrees
AND GENERAL CULINARY PURPOSES.**

Imparts Rich Color and Delightful Flavor. ✱ The Kitchen Garden condensed and ready for instant use. ✱ Keeps in any climate. ✱ Used and endorsed by Great Chefs and Eminent Teachers of Cookery.

"Housekeeping would be a burden without it."—SARAH TYSON RORER.
"I know of no other kitchen luxury which is so near a necessity."—HELEN ARMSTRONG.
"Invaluable to the housekeeper."—MARY J. LINCOLN.
"Indispensable to all savory dishes."—JANET M. HILL.
"Indispensable to all up-to-date housekeepers."—ALICE CARY WATERMAN.
"Have used it for last ten years and would not be without it."—EMILY M. COLLING.
"A necessity to all good cooking."—E. LAPERRUQUE, Head Chef, Delmonico's.

OUR OTHER PURE FOOD PRODUCTS !
TOURNADE'S BUCKWHEAT BOUQUET
The most delicious of all Table Syrups.

TOURNADE'S
Rock Candy,
Rock Candy Syrup,
Maple Syrup,
Fruit Syrups and
Excelsior Burnt Sugar Coloring.

Remember that the name "TOURNADE" attached to our products is a Guaranty of Purity !

Write for free sample and booklet. Ask your grocer for it. If he will not furnish it send us 80c in stamps for prepaid package. Liberal commissions to house-to-house canvassers.

Palisade Mfg Co.

WEST HOBOKEN, N. J.

COLUMBIA WINE CO.

J. S. HUBBS, Sec'y.

HAMMONDSPORT, = = = NEW YORK.

Distillers of brandy and makers of wine. No goods sold in cases.

All of our products shipped in packages holding from 6 to 54 gallons.

GOODS WE SELL ARE

PORT.
RIESLING.
TOKAY

SHERRY,
CLARET.
SWEET CATAWBA.

GRAPE BRANDY.
DREYSTER.
BLACKBERRY BRANDY.

50b. Resolved, That under and pursuant to section four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one the state board of health hereby fixes the limits of variability permissible in cider vinegar, which shall not contain less than five per cent of pure acetic acid, and shall not leave on evaporation less than one and one-half per cent of solid matters, the same being weighed after drying, at 212 degrees Fahrenheit.—Filed June 11, 1883.

The state board of health, by virtue of power conferred, at a meeting, held on the 23d of November, 1886, does hereby declare:

50c. That under and pursuant to section

four of chapter four hundred and seven of the laws of eighteen hundred and eighty-one, the following goods when distinctly labeled in the manner provided in subdivision seven of section three of said act, are within the conditions hereinafter prescribed declared to be exempt and permitted to be sold under the provisions of the said act.

Canned peas or beans in the preparation of which copper has been used, provided that the proportion of metallic copper shall not exceed three-fourths of a grain per avoirdupois pound of peas or beans, equivalent to three grains of crystallized sulphate of copper, and that the same be plainly stated on the label.—Approved, Dec. 2, 1886.

DECISIONS OF THE SUPREME COURT OF NEW YORK ON FOOD LAWS.

ADULTERATION is the corruption by mixture with some foreign substance or with what is less valuable. *People vs. West*, 44 Hun (N. Y.) 162.

BUTTER. Held that a grocery man who sold an article representing it to be butter, which contained a fourth part of foreign matter, is guilty of a violation of the act which prohibits the sale of any substance not butter as butter. *People vs. Mahaney*, 41 Hun (N. Y.) 26.

UNWHOLESOME FOOD. It is just as much of an offense to sell unwholesome beef to a wholesale merchant as it is to sell it directly to the consumer. *People vs. Parker*, 38 N. Y. 35.

UNWHOLESOME MEAT. It is not necessary to show an indictment for selling unwholesome meat that sickness resulted from eating it. Dealers have no right to continue selling unwholesome food until someone is made sick by its use. *Goodrich vs. People*, 19 N. Y. 577.

COFFEE. COLORING. Under the law of 1893 the sale of colored coffee is not illegal unless the process of coloring has injured the coffee, or the coloring conceals some damage to it, or it makes the coffee appear better and of a greater value than it really is. *Crossman vs. Lurman*, 54 N. Y. Supp. 72.

LEMONADE. A mixture known as "Eiffel Tower Lemonade" was found to consist of 48 per cent sugar, 35 per cent tartaric acid, 12 per cent citric acid, and 5 per cent oil of lemon. There were pictures of lemons posted on each box and also a statement that 38,000,000 lemons had been used the last year in making "Eiffel Tower Lemonade." The statement also went on to say that the "Eiffel Tower Lemonade" was manufactured in the orchard where the lemons were grown by con-

centrating the lemons in said orchard. In the trial the defendant testified that 52,000,000 lemons had been used in the last year in making "Eiffel Tower Lemonade" and that the oil of lemon used was made from the lemon rind. It was held, that under the law against the sale of adulterated beverages and the sale of an inferior substance under the name of or as an imitation of another substance of greater value, a verdict finding the defendant guilty of selling an inferior article as lemonade should be sustained, as tartaric acid is cheaper considerably than lemon juice. *People vs. Park*, 69 N. Y. S. 1120; 60 App. Div. 255.

CANNED PEAS. Under an indictment for selling canned peas containing copper it is necessary in order to sustain a conviction to show that the peas sold contained poison, and that the copper contained in the peas was poison. *People vs. Bischoff*, 14 N. Y. State Rep. 581.

TEA. The possession of adulterated tea for the purpose of selling the same to the general public constitutes a nuisance. *Health Department vs. Purdon*, 99 N. Y. 237.

VINEGAR. The act forbidding the manufacture or sale of vinegar containing artificial matter is constitutional as a police regulation. *People vs. Girard*, 145 N. Y. 105.

VINEGAR. ANALYSIS. It is held that in an action under the laws of 1893 to recover a penalty for selling adulterated cider vinegar the evidence of a chemist to whom a sample has been submitted that the cider vinegar contained less than two per cent of cider vinegar solids is insufficient. In order to recover the mode of analysis must be shown. 51 N. Y. Supp. 824. *People vs. Braested*.

VINEGAR. INSTRUCTIONS. Laws of 1893,

WHITE TOP CHAMPAGNE



Produced by the Natural Process of Fermentation
in the Bottle, taking Years to Mature it.

For Absolute Purity and
Uniformity of Quality

It is the equal of any on the market.

WHITE TOP CHAMPAGNE CO.

The Only Exclusively Champagne Producers in America
HAMMONDSPORT, N. Y.

GOLD SEAL

America's Best

CHAMPAGNE

"SPECIAL DRY"

"BRUT"

"GOLD SEAL" is made by the French process
from the choicest grapes grown in our own vineyard, excels
any other American wine and equals any imported.

"GOLD SEAL" may be placed on the table of the
most fastidious connoisseur without fear of criticism or
comparison with any imported champagne.

Why pay twice as much for foreign labels.

"GOLD SEAL" is sold everywhere and served at
all leading clubs and cafes.

SARAH BERNHARDT says: I find the Urbana Wine Co.'s "GOLD
SEAL" CHAMPAGNE excellent—in fact, superior to many French Cham-
pagnes. It surprises me that such a fine wine can be produced in America.

URBANA WINE CO., Urbana, N. Y., Sole Maker.



c. 338, par. 10, amended by laws of 1890, c. 308. A party guilty of an illegal sale of adulterated vinegar under the laws against the sale thereof, which provide among other things that on an action in the Supreme Court for the violation of any of the provisions of the said laws an application may be made to the "court or any justice thereof that an injunction issue to restrain the defendant from further violating said act"; could not be enjoined by the county court by an injunction, in such an action in the Supreme Court. *People vs. Hintholz*, 74 N. Y. St. 241.

If the affidavits for an injunction against the sale of adulterated vinegar do not show the statutory elements of the offense the injunction should be vacated. *Id.*

MILK. BOARD OF HEALTH. Under the law which authorizes local boards of health to make such regulations for the general health as they may deem necessary a requirement that vendors of milk in a city shall register each year before receiving a license to sell milk is held to be valid. *City of Gloversville vs. Enos*, 72 N. Y. St. 398.

An honorably discharged soldier, although authorized to sell goods and procure a license without cost, must register before receiving a license to vend milk. *Id.*

MILK. Under an indictment for selling adulterated milk it is not necessary to show criminal intent. Guilty knowledge is not an essential element of the offense. *People vs. Schaeffer*, 41 Hun. (N. Y.) 23; *People vs. Cipperly*, 101 N. Y. 634; *People vs. Kibler*, 106 N. Y. 321; *People vs. Eddy*, 12 N. Y. Supp. 628.

ADULTERATED MILK. INDICTMENT It is not necessary to allege in an indictment for selling adulterated milk to a cheese factory that the factory was a "full cream" factory, under a statute that provides that no person shall supply to "any cheese factory, any impure or adulterated milk, or milk from which any of the cream has been taken, except pure milk to skim cheese factories." *People vs. Spees*, 46 N. Y. Supp. 995.

MILK. To sustain a conviction under the laws of 1862 it is not sufficient to charge that the defendant had adulterated milk, but it must be proved that the milk was adulterated for the purpose of selling or exchanging it. *People vs. Faurback*, 5 Park Cr. Rep. (N. Y.) 311.

MILK. The keeping and offering for sale of adulterated milk is a violation of the sanitary code. *People vs. Justices*, 7 Hun. (N. Y.) 214.

To bring into the city impure and adulterated milk for sale is an offense. *Polinsky vs. People*, 73 N. Y. 65.

SAMPLES. Under an indictment for selling adulterated milk to a cheese factory evidence is admissible to show that the milk has not been

watered or skimmed, and that a sample drawn from the lower part of the can is not a fair test of the quality of the milk. *People vs. Hodnett*, 22 N. Y. Supp. 809.

ANALYSIS. Evidence of a test of milk which is charged to have been adulterated, even though made nearly a year after the sale of the milk, is admissible against the person charged with the adulteration. *Stearns vs. Ingraham*, 1 Thomp. & C. (N. Y.) 218.

MILK. EVIDENCE. Evidence is admissible, upon a trial for selling adulterated milk, which tends to show that there was no physical interference with the milk after it was drawn from the animal. *People vs. Sailsbury*, 37 N. Y. Supp. 420.

MILK. In a case where it is shown that the milk had stood in a can over night and tasted bad when sample was taken, and that a sample was taken from it and put into two bottles after it had been stirred up, one taken by the state and the other bottle by the defendant, the state sample showing a percentage of 2.61 butter fats by a chemical test, and the defendant's sample showing a percentage of 3.22 butter fats by the Babcock test, it is held that such facts will support a verdict for the defendant where the instruction was that if the milk tested by the state was a fair sample of all the milk in the can then defendant had sold adulterated milk and must be fined. *People vs. Rickard*, 63 N. Y. S. 165.

IMPURE MILK. Mere possession of impure milk in a milk wagon while milk is not being delivered or sold to customers is not a violation of the laws of 1893. *People vs. Kelline*, 50 N. Y. Supp. 653.

SKIMMED MILK. Where evidence does not show whether the milk taken for analysis was taken from a vessel containing skim milk or from one containing pure milk a conviction cannot be sustained. *People vs. Thompson*, 14 N. Y. Supp. 819.

A law which provides that no person or persons shall sell, buy, or bring to be manufactured to any butter or cheese factory, any milk diluted with water, or any unclean, impure, unhealthy, adulterated, or unwholesome milk, does not make it criminal for the owner of a cheese factory supplied with milk exclusively by himself to furnish milk diluted with water. *People vs. West*, 106 N. Y. 293.

NAME ON MILK CANS. It is unlawful for any person without the consent of the owner to use or to sell any milk cans bearing the name or initials of the owner. *Bell vs. Gaynor*, 36 N. Y. Supp. 122.

CREAM. Where the defendant was a dealer in milk and cream and samples were taken from a man in his employ at an early hour in the morn-



"The secret of a good wine is not only to know a good thing when one sees it, but to seize a good thing when you know it."

"STATE SEAL CHAMPAGNE"

is the best. A pure natural wine fermented in the bottle. This wine is guaranteed to equal any imported production. Money refunded if purchaser is dissatisfied with the quality of the goods.

EMPIRE STATE WINE CO.

PENN YAN, N. Y.

GOLDEN AGE CHAMPAGNE

"Special Dry" "Brut"



A clean, pure wine, made from the best stock. We invite comparison with any brand and will be pleased to submit samples to any responsible merchant.

ADDRESS

Hammondsport Wine Co.

Hammondsport, N. Y.

ing while said employe was driving a wagon through the street, a number of which corresponded with defendant's license to sell milk, it was held that the defendant was offering the cream for sale under the evidence submitted. *People vs. Hills*, 72 N. Y. St. 340 64 App. Div. 584.

COWS. RUNNING SORES. It is a matter of common knowledge that a cow that has a running sore is unfit for food. *Goodrich vs. People*, 19 N. Y. 594.

OLEOMARGARINE. Under the laws of 1893, c. 338, par. 36, amended by the laws of 1897, c. 768, prohibiting the sale of oleomargarine as butter, the inspector testified that he examined defendant's stock and that the defendant said he had been selling a substance which had been found on analysis to be oleomargarine for butter, and that it was sold as butter. Held, that the jury should be instructed that if they did not believe the defendant made the said admission they should not find him guilty on that evidence alone. *People vs. Bremer*, 74 N. Y. St. 570.

It is not material who should determine the amount of the forfeiture, but the minimum fine can be at least recovered. *Id.*

OLEOMARGARINE LAWS. The state has power to regulate the sale. *People vs. Arensberg*, 103 N. Y., 388.

OLEOMARGARINE. The intention to sell as butter articles manufactured by mixing animal or vegetable oils with natural milk or cream must be shown in order to convict one of a violation of the statute prohibiting such sale. *People vs. Dold*, 63 Hun (N. Y.) 583.

OLEAGINOUS SUBSTANCES. It is unlawful to manufacture or sell products made from vegetable oils or animal fats or oils, which are designed to take the place of butter or cheese. It is not necessary to prove the act charged beyond a reasonable doubt; preponderance of evidence is sufficient. *People vs. Briggs*, 114 N. Y. 56.

BUTTER. INTENT AND COLOR. In a prose-

cution under a law preventing the imitation of the color of natural butter, the intent need not be shown, because it is immaterial. *People vs. Hellman*, 68 N. Y. S. 66; 15 N. Y. Cr. R. 394.

IMITATION BUTTER. Restaurant keepers may be prosecuted under an act which provides that substances in imitation of natural butter shall not be served to customers, if they use for cooking purposes imitations of natural butter manufactured outside of the state. 38 N. Y. Supp. 635.

OLEOMARGARINE. JUDICIAL NOTICE. Courts will not take judicial notice of the natural appearance of oleomargarine. *People vs. Meyer*, 60 N. Y. St. 415.

PRESERVATIVES. It is held that a law prohibiting the sale of butter containing any preservatives except salt, or of cheese containing any preservatives except spiritous liquors, or of condensed milk containing any preservatives except sugar; and prohibiting the sale of preservatives to be so used, is void as being in restraint of a person's liberty to sell articles of commerce. *People vs. Biesecker*, 68 N. Y. S. 1067, 58 App. Div. 391.

The law prohibiting the sale of butter or dairy products containing preservatives, except in certain cases, is not a mere health regulation. *Id.*

RECOVERY OF PENALTY. ACTION. Under par. 37 of the Agriculture law the penalty should be recovered by a civil and not by a criminal suit. *People vs. Bremer*, 74 N. Y. St. 570, 69 App. Div. 14.

SLAUGHTER HOUSES. A statute providing that a repeal of a statute shall not effect a penalty arising before the repeal takes effect is applicable to future legislation, and a defendant liable to a penalty under the laws of 1898 regarding the slaughter of calves not in a condition for food is held liable for the penalty, even though the statute under which he is prosecuted was repealed in 1901, before the prosecution was commenced. *People vs. Jackson*, 73 N. Y. St. 461.

GOLD MEDALS—Paris 1900—Buffalo 1901—Charleston 1902

VARTRAY GINGER ALE

BUFFALO, NEW YORK

PURE FOOD LAWS OF NORTH CAROLINA.

In the state of North Carolina the Board of Agriculture is charged with the enforcement of the pure food laws. The board consists of fifteen members, together with the officers elected for the purpose of administering the laws of the state pertaining to the subject of pure and unadulterated food. The Board of Agriculture consists of the following members:

S. L. Patterson, commissioner, *ex-officio*, chairman.

First District—J. B. Coffield.

Second District—E. L. Daughtridge. Resigned.

Third District—Wm. Dunn.

Fourth District—C. N. Allen.

Fifth District—J. S. Cunningham.

Sixth District—A. T. McCallum.

Seventh District—J. P. McRae.

Eighth District—P. B. Kennedy.

Ninth District—W. A. Graham.

Tenth District—A. Cannon, Howard Browning, J. R. Joyce, G. E. Flow, J. C. Ray.

Finance Committee—S. L. Patterson, chairman, J. B. Coffield, A. T. McCallum, J. P. McRae, Wm. Dunn.

Executive Committee—S. L. Patterson chairman, J. S. Cunningham, W. A. Graham, E. L. Daughtridge, L. G. Waugh.

OFFICERS.

S. L. Patterson, commissioner; T. K. Bruner, secretary; B. W. Kilgore, state chemist; Dr. Tait Butler, veterinarian; Franklin Sherman, Jr., entomologist; Gerald McCarthy, botanist and biologist; H. H. Brimley, naturalist and curator.

THE PURE FOOD LAWS ARE IN SUBSTANCE AS FOLLOWS:

An act to prevent the sale of adulterated and unbranded food and to amend and make more effective the provisions of Chapter 122, Laws of 1895.

Sec. 1. For the purpose of protecting the people of the state from imposition by the adulteration or misbranding of articles of food the Board of Agriculture shall cause to be procured from time to time under rules and regulations to be prescribed by them in accordance with section 9 of this act, samples of food, beverages, and condiments offered for sale in this state, and shall cause same to be analyzed and examined microscopically or otherwise by the chemist or other experts of the Department of Agriculture. The Board of Agriculture is authorized to make such publications of the results of analyses, examinations, etc., as they may deem proper.

Sec. 2. Prohibits the sale of any article of food which is adulterated or misbranded within the meaning of this act. It is a misdemeanor to violate this act, punishable by a fine not to exceed \$200 for the first offense, and for each subsequent offense not to exceed \$300, or by imprisonment not to exceed one year, or both; fines to be paid into the treasury of the state for the benefit of the Department of Agriculture, to be used in executing the provisions of this act.

Sec. 3. The chemists and other experts of the Department of Agriculture shall make under rules and regulations prescribed by the Board of Agriculture, examinations of specimens of food, beverages, and condiments offered for sale in North Carolina, collected from time to time in various parts of the state. If this act has been violated the Commissioner of Agriculture shall certify the facts to the proper solicitor and furnish him with a result of the analysis duly authenticated by the analyst under oath.

Sec. 4. It is the duty of every solicitor to whom the Commissioner of Agriculture shall report any violation hereof to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided.

Sec. 5. The term "food" as used herein shall include articles of food, candy, condiment, or drink, used by man and domestic animals, whether simple, mixed, or compound. The term "misbranded" as used herein shall include articles of food or those which enter into the composition thereof, the packages or labels of which shall bear any stamp purporting to name any ingredient or substance as being contained or not being contained in such article, which statement shall be false in any particular.

Sec. 6. That for the purpose of this act an article of food shall be deemed adulterated:

First—If any substance has been mixed or packed with it so as to reduce or injuriously affect its quality or strength, so that such article when offered for sale shall deceive or tend to deceive the purchaser.

Second—If any inferior substance has been substituted wholly or in part for the article so as to deceive the purchaser.

Third—If any valuable constituent of an article has been wholly or in part abstracted so that the product when sold shall deceive the purchaser.

Fourth—If it be an imitation of and sold



S. L. PATTERSON,
North Carolina Commissioner of
Agriculture.



T. K. BRUNER,
Secretary North Carolina Board of
Agriculture.



B. W. KILGORE,
North Carolina State Chemist.

NORTH CAROLINA PURE FOOD COMMISSION.

under the specific name of another article.

Fifth—If it be mixed, colored, powdered, coated, polished, or stamped in a manner whereby damage or inferiority is concealed so as to deceive the purchaser.

Sixth—If it contain any added poisonous ingredient or any ingredient which may render it injurious to the health of the person consuming it.

Seventh—If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or is an imitation either in package or label of an established proprietary product which has been trade marked or stamped.

Eighth—If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal or any animal that has died otherwise than by slaughter.

Ninth—That candies and chocolates may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors or other ingredients deleterious to health; *Provided*, That an article of food, beverage, or condiment which does not contain any added or poisonous ingredient shall not be deemed to be adulterated in the following cases:

First—In the case of articles, mixtures, or compounds which may be now or from time to time hereafter known as articles of food, beverages, or condiments under their own distinctive names and not included in definition fourth of this section.

Second—In the case of articles branded, labeled, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends.

Third—When any matter or ingredient has been added to the food, beverage or condiment because the same is required for the production or preparation thereof as an article of commerce in a state fit for consumption or carriage, and not fraudulently to increase the bulk, weight or measure of the food, beverage, or condiment, or conceal the inferior quality thereof; *Provided*, That the same shall be labeled, branded, or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact nature thereof; *and provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods to disclose their trade formulas except insofar as the provisions of this act may require to secure freedom from adulterations or

imitations; *Provided further*, That nothing in this act shall be construed to apply to proprietary or patent medicines.

Fourth—Where the food, beverage, or condiment is unavoidably mixed with some harmless extraneous matter, in the process of collection or preparation; *Provided further*, That no person shall be convicted under the provisions of this act when he is able to prove a written guaranty of purity in a form provided by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, manufacturer, or other party from whom he purchased such article.

Sec. 7. That the Board of Agriculture is hereby authorized to cause all compounds, mixed or blended products to be properly branded and prescribe how this shall be done.

Sec. 8. That it shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures, or compounds declared to be exempt from the provisions of this act, in accordance with Section 6. The Board of Agriculture shall also from time to time fix and publish the lists variability permissible in any article of food, beverage, or condiment, and these standards when so published shall remain the standards before all courts; *Provided*, That when standards have been or may be fixed by the Board of Agriculture of the United States they shall be accepted by the Board of Agriculture and published as the standards of North Carolina.

Sec. 9. That every person who exposes for sale or delivers to a purchaser any condiment, beverage, or articles of food shall furnish within business hours and upon tender and full payment of the selling price a sample of such condiments, beverages, or articles of food to any person duly authorized by the Board of Agriculture to secure the same and who shall apply to such manufacturer or vendor or person delivering to a purchaser such beverage or article of food, for such sample for such use, in sufficient quantity for the analysis of such article or articles in his possession.

Sec. 10. That any manufacturer or dealer who refuses to comply upon demand with the requirements of Section 9 of this act, or any manufacturer, dealer, or person who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent any chemist, inspector, or other person in the performance of his duty in connection with this act shall be guilty of a misdemeanor and shall upon conviction be fined not less than \$10 nor more than \$100, or be imprisoned not more than 100 days, or both, in the discretion of the court, and said fines, less the legal costs, shall be paid into the treasury of the state for the benefit of the Depart-

ment of Agriculture, to be used exclusively in executing the provisions of this act.

Sec. 11. That this act shall not be construed to interfere with commerce or any interstate commerce laws of the United States.

Sec. 12. That Chapter 122, Public Laws of 1895, be and the same is hereby, repealed.

AN ACT DEFINING BUTTER AND TO REGULATE THE SALE THEREOF.

Sec. 1. The word "butter" is understood to mean the product manufactured or compounded from fresh and pure milk and cream.

Sec. 2. Any article manufactured or compounded in imitation or semblance of butter, composed of any ingredient in combination with butter, shall be known as "oleomargarine" and "butterine"; and it is unlawful to sell, export, or import the same except in accordance with the provisions hereof.

Sec. 3. Every manufacturer of "oleomargarine" or "butterine" shall secure affix by pasting on each package, tub, or firkin thereof so manufactured by him, a label on which shall be printed in large Roman type the chemicals, ingredients, and the proportions thereof. Every manufacturer who neglects to affix such label as herein required, or any person who removes same from any such package, tub or firkin, is guilty of a misdemeanor, punishable as herein-after provided.

Sec. 4. This act shall not prohibit the manufacture or sale of said compound nor violate in any degree the provisions of the interstate commerce law relative to this subject. The said compound, however, shall not be manufactured or sold except in accordance with the provisions hereon.

Sec. 5. It is the duty of the district, county, or city attorney upon proper information that this act has been violated to prosecute the offenders, and upon conviction he shall be punished by a fine of not less than \$50, or imprisoned in the county jail not exceeding thirty days for the first offense, and for each subsequent offense a fine not less than \$200 or by imprisonment not less than six months, or both, at the discretion of the court.

STANDARDS AND RULINGS OF THE BOARD OF AGRICULTURE UNDER THE PURE-FOOD LAW.

Vinegar.—To be standard, vinegar shall contain not less than 4 per cent of acetic acid. When of less strength the percentage of acetic acid must be branded on every package in which it is sold, exposed, or offered for sale. Vinegar must not contain any preparation of lead, copper, sulphuric acid, or other ingredients injurious to health, and when artificially colored the fact shall be known by a proper label (as

designated under paragraph on "Labeling") attached to every package in which it is sold, exposed, or offered for sale.

Apple cider or orchard vinegar must be made from the pure juice of apples, free from foreign substances, and must contain not less than $1\frac{1}{4}$ per cent of apple cider solids.

Other vinegars must be sold under names which represent truly the material or materials from which they are severally made, as "Malt vinegar," "Grape vinegar."

All fermented and not distilled vinegars must contain not less than $1\frac{1}{2}$ per cent of the solids of the grains or fruits from which they are made.

Distilled vinegar must be labeled and sold as such.

Milk.—Milk must be from healthy cows and must contain at least 12 per cent of total solids and 3 per cent of butter fat, unless labeled or sold as "skimmed milk" or milk below standard. Coloring matter or preservatives must not be added unless the cans from which the milk is sold are conspicuously labeled to show such addition, and written notice is served on each customer stating the kind and amount of coloring matter or preservative or both used to the gallon.

Butter.—Butter must contain not less than 80 per cent of milk fat, without admixture of any other animal or vegetable fats.

Process Butter.—Deteriorated or unmarketable butter, which, by any process or remelting, or working over, has been made marketable, must be branded and sold as "Process butter," and each package so sold, offered, or exposed must be so labeled as to fairly and clearly furnish this information.

Oleomargarine.—Oleomargarine, butterine, and kindred mixtures of animal and vegetable fats, or mixtures of these with butter, must be sold under their own distinctive names as oleomargarine or butterine, and each package so sold, offered, or exposed for sale must be so labeled (as prescribed under paragraph headed "Labeling") as to furnish clearly and fairly this information.

Cheese.—Cheese not made wholly from pure, unskimmed milk or cream must be sold as "Skim milk cheese," and where other fats have to be added it must be sold as "Filled cheese," and each cheese must be so labeled as to furnish this information, as directed under the labeling paragraph.

Lard.—Lard is the rendered fat of swine and should contain not less than 99 per cent of this fat. Other fats and oils, and mixtures of them, must be sold under their true name or coin names, or as "Lard substitutes." An admixture of other fat or fats, with a considerable per-

centage of lard, may be sold as "Lard compound;" otherwise it must be sold as adulterated lard.

Oils.—Oils, as olive and cotton seed, must be sold under their true names or under names that will not mislead as to their true character; and when mixed or blended the fact shall be made known by proper and conspicuous labeling on the containing vessels; otherwise they must be branded and sold as "adulterated."

Spices and Peppers.—Spices and peppers must be pure and true to name, and must not be mixed with other substances or with exhausted or impure articles of their own kind, unless labeled and sold as adulterated.

Mustard.—Dry mustard must be pure. Mixtures of mustard, vinegar, and spices may be sold as "Prepared mustard," but must not be diluted with starch or other materials unless the fact is made known on the label.

Ciders and Fruit Juices.—These must be made of unadulterated fruit juices, and be sold under the name of the fruit from which made. No preservative, color, or flavor shall be added, unless the fact is made known by proper label attached to each package. When artificially colored or flavored, or both, they must be sold as "adulterated" or "imitation" products, in which case any added preservative must be made known by proper label.

Beers and wines and other alcoholic and non-alcoholic drinks and products used in making such must not contain added preservatives, coloring, or flavor, unless the fact is made known by proper label on each package. When made partly or entirely from artificial products, they must be sold as "adulterated" or "imitation" products, any added preservative being made known on proper label.

Cereal and Farinaceous Products.—Flour, cracked and rolled wheat, oats, buckwheat, barley, and corn, and their products, rice, etc., must be true to name, and when mixed with each other or with other vegetable or mineral products the mixtures must be sold under coin names or as mixtures or compounds.

Canned Goods.—Canned goods must be true to name and be free from added coloring, flavor, or preservatives, unless such addition or additions is made known by conspicuous labeling.

Candy.—Candy must not contain terra alba, kaolin, or other mineral substances, or harmful coloring or other matter.

Fruits, Jellies, Butter, Jams, Preserves, Conserve, Confections, and like articles must be made entirely of the fruit specified on the label and preserved only with cane sugar, and must not contain any artificial coloring, preservatives, or flavor, except spices or other whole-

some natural flavoring materials, unless such added flavors, coloring, and (or) preservatives are made known on the labels. When made partly or wholly of artificial materials, or when any material to make up bulk or weight, to add flavor or color, except as indicated above, have been used, the products must be sold as "adulterated" or "imitation" products, in which case any added preservatives must be made known on the label.

Honey must not have added to it directly by man, or indirectly by feeding to the bees, glucose, cane sugar, invert sugar, or other matter not naturally occurring in pure honey, unless sold as adulterated honey, or a statement regarding the adulteration is made a part of the label attached to each package sold.

Coffee.—Coffee must be true to name and of full strength. It must not be mixed with exhausted or partially exhausted coffee or any other substance or substances, except as indicated below. If mixed with chicory or other harmless substitute allied to coffee in either flavor or strength, and not used simply as an adulterant, the mixture may be sold as "coffee compound."

Imitations or substitutes containing no coffee must not be sold as coffee compounds, but may be sold under coin names.

Tea.—Tea, when sold, exposed, or offered for sale as such, must consist wholly of the dried leaves of the true tea plant, without artificial color, filler, or extraction of essential properties, unless conspicuously labeled as "adulterated."

Baking Powders.—Baking powders must not contain substances not necessary to their manufacture, and they must be labeled in a conspicuous way and place, either in the name of the powder itself, or elsewhere, so as to show the acid salt of which the powder is made, as "Alum baking powder," "Alum-phosphate baking powder," "Phosphate baking powder," or "cream of tartar baking powder," and when so labeled they must be true to label.

Preservatives.—The term preservative is considered synonymous with antiseptic. Food containing any added antiseptic or preservative substance or substances, except common table salt, saltpeter, cane sugar, alcohol, vinegar, spices, or the natural products of the smoking process, shall have the presence of such preservative or preservatives made clearly known by conspicuous labeling or made known to purchasers when the article is not capable of being labeled.

Labeling.—A label must be, as far as possible, attached to each package and contain, in addition to other information, the name and address of the manufacturer or jobber. When

the words "artificial," "imitation," "compound," "adulterated," or words of similar import are required, they must immediately precede or follow the word or words they modify, and be in the same size and style of type and on same kind of background as the word or words with which they are closely associated.

Where the presence of preservatives, coloring matter, or other substance or substances is required to be printed on the label, as indicated in the several paragraphs relating to different food products, the printing must be done clearly and conspicuously on the label in type not smaller than brevier heavy Gothic caps, and on the same kind of background as the rest of the label.

Form of guaranty of purity approved by the board of agriculture as provided for in section six of the pure food law.

I (or we), the undersigned wholesaler, jobber, or manufacturer, in consideration of — (name and address), retail merchant, purchasing food from us, hereby guarantee that all food sold to — shall be pure within the meaning of what is known as the pure food law (an act to prevent the sale of adulterated and misbranded food: Ratified the 13th day of February, 1899), and shall conform with the requirements of said law and the standards and rulings of the Board of Agriculture as regards standards of quality, branding, and otherwise. This guaranty to remain in force till revoked in writing.

The article referred to in this guaranty is (or are) —.

Signed —,
Address —,
—.

Date —.

GENERAL STATEMENT.

The Department of Agriculture desires the cooperation and support of manufacturers, jobbers, wholesalers, retailers, and individuals in carrying out the provisions of the pure-food law. To this end the Department—

(1) Invites suggestions, and will give hearings to interested parties regarding the present standards and rulings, others that may seem desirable, or that may be made in the future.

(2) Analyses will be made for parties within the State when samples are taken in accordance with instructions furnished by the State chemist and the required data concerning the samples are given.

(3) Analyses will be sent to parties sending samples and to parties from whom samples are taken by the Department. It is the desire of the Department to put information into the hands of manufacturers, dealers, and users of food, and to assist them in every way it can to know and to manufacture, handle, and use the best, most desirable, and most wholesome food products. The pure-food law is in the interest of the honest manufacturer, the honest dealer, and for the protection of the consumer. It should operate in this way.

DECISIONS OF THE SUPREME COURT OF NORTH CAROLINA ON FOOD LAWS.

UNWHOLESOME FOOD. In this state it is held to be a misdemeanor for a person knowingly to sell unwholesome food. *State vs. Nor-*

ton, 2 Ired. (N. Car.) 40; *State vs. Smith*, 3 Hawks (N. Car.) 378.

NORTH DAKOTA DAIRY AND FOOD LAWS.

The Dairy Laws of this State are enforced by an Assistant Dairy Commissioner, who receives his appointment from the Commissioner of Agriculture, with the consent of the Governor. His duties are to enforce the dairy laws of the state. The laws against the adulteration of other articles of food are enforced

in like manner as the laws against other misdemeanors in the state.

The Department of Agriculture and Labor consists of the following members:

R. J. Turner, Commissioner.

E. E. Kaufman, Assistant Dairy Commissioner.

Prof. E. F. Ladd, State Chemist.

A DIGEST OF THE LAWS PROHIBITING THE ADULTERATION OF DAIRY PRODUCTS IS AS FOLLOWS:

Sec. 1. The Commissioner of Agriculture shall appoint one deputy, to be known as Assistant Dairy and Food Commissioner, who shall hold his office during the term of the Commissioner of Agriculture. His salary shall be \$600 per annum and actual expenses in the discharge of his duties. The sum of \$1,000 is appropriated annually to enforce the provisions of this act.

Sec. 3. The Assistant Commissioner and persons lawfully authorized for the purpose shall have access, ingress and egress to all places of business, farms, carriages, cars, vessel and cans used in the manufacture or sale of any dairy product or imitation thereof. They shall also have the power and authority to open any package, can or vessel containing manufactured articles sold or exposed for sale in violation of this act, and may take samples for analysis. All clerks, bookkeepers, express agents and railroad officials are required to assist them in finding or discovering the presence of any prohibited article.

Sec. 4. For refusing so to do such person shall be guilty of a misdemeanor and fined not less than \$20 nor more than \$50 for each offense.

Sec. 5. The Assistant Commissioner shall furnish blanks to all proprietors and managers of creameries, cheese factories and vendors of milk licensed under the provisions of this act, for the purpose of making a report of the amount of dairy goods handled, and such persons shall on the first day of November of each year send to the Assistant Dairy and Food Commissioner a full and accurate report of the amount of business done during the year.

Sec. 6. Any neglect or failure or false statement in the report of any owner or manager of such creameries, cheese factories, or vendors of milk shall be held to be a misdemeanor punishable by a fine of not less than \$10 nor more than \$50.

Sec. 7. Every creamery, cheese factory, or combined creamery and cheese factory manufacturing butter or cheese shall procure a stencil or brand bearing a suitable device and words which shall clearly designate the quality of the product manufactured, and the number and location of the factory, and may contain a special or private brand with the name of said factory. Every brand shall be used upon the outside of the cheese, and also upon the package containing the same, but in the case of butter on the package only; and every such owner shall on the first day of each year report

to the Assistant Dairy and Food Commissioner the name, location and number of any factory using said brand, and the name or names of the persons of each factory authorized to use the same, together with a copy of each stencil or brand, and the said Assistant Commissioner shall keep a book in which shall be registered the same. It is a misdemeanor to violate this section, punishable by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 8. Every person who sells milk from a dairy of five cows or more and conveys the same in carriages, carts or other vehicles for the purpose of sale in any city or town of 1,000 inhabitants or more shall on the first day of June, or within 30 days thereafter, be licensed by the Assistant Dairy and Food Commissioner to sell milk within the limits of said city or town, and shall pay to said Assistant Commissioner the sum of \$1, and every person desiring to engage in such dairy business shall first procure a license which shall be valid until the first day of June next succeeding the issue. Licenses shall be used only by the owners of carriages, carts or other vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred.

Each license shall record the name, place of business and number of carriages, carts or other vehicles used, the name and residence of every driver or other person engaged in selling said milk, and the number of the license. Each licensee shall before engaging in the sale of milk cause his name and the number of his license and place of business to be legibly placed on the outer side of all carriages, carts and other vehicles used by him in the conveyance and sale of milk, and he shall report to the assistant dairy commissioner any change of driver or person employed by him. Whoever sells milk as aforesaid without license or violates the provisions of this act shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 9. Every person before selling milk shall procure a license from the Assistant Dairy and Food Commissioner and pay him therefor the sum of \$100. It is a misdemeanor to neglect to procure a license, punishable by a fine not exceeding \$20 for each and every offense.

Sec. 10. If any person shall sell or exchange to be converted into any product of human food any unclean, adulterated, impure or unwholesome milk, or milk from which has been withheld the strippings, or milk taken from an animal having a disease, or which has been taken from an animal within fifteen days before or five days after parturition; or if any person having cows shall stable them in any unhealthy, cramped, crowded manner, or knowingly feed



ROLLIN J. TURNER,
Commissioner of Agriculture and Labor,
Ex-Officio Dairy Commissioner,
North Dakota.



E. E. KAUFMAN,
Assistant Dairy and Food Commissioner,
North Dakota.



PROF. E. F. LADD,
State Chemist, North Dakota.

NORTH DAKOTA DAIRY AND FOOD COMMISSION.

them food which produces impure or unwholesome milk, or upon any substance in a state of putrefaction, or other unhealthy matter, or sell cream which has been taken from milk as herein prohibited, or shall sell cream which shall contain less than the amount of butter fat as prescribed in this act, or if any person shall sell any cheese from skimmed milk or from milk partly skimmed without plainly branding on the top and sides of both cheese and package in the English language the words "Skimmed Milk Cheese," the letters of the words to be not less than one inch in height and one-half inch in width, he shall be fined not less than \$20 nor more than \$50; but the provisions of this section shall not apply to skimmed milk when sold as such and in the manner prescribed herein.

Sec. 11. The addition of water or other substances or things to whole milk or skimmed milk or partly skimmed milk is hereby declared an adulteration: and milk taken from cows fed upon any substance of an unhealthy nature is declared to be impure and unwholesome; and milk which has been proved by any reliable method of analysis to contain less than 12 per cent of milk solids to the 100 pounds of milk or three pounds of butter fat to the 100 pounds of milk, shall be regarded as skimmed or partially skimmed milk: and every article not containing 15 per cent or more of butter fat shall not be regarded as cream. The Assistant Food and Dairy Commissioner shall enforce the provisions hereof.

OLEOMARGARINE.

Sec. 12. Prohibits the manufacture or sale or delivery or possession or distribution of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced from unadulterated milk, or cream from the same, which shall be an imitation of yellow butter produced from unadulterated milk or cream. Provided, this act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and so as to advise the consumer of its real character and free from colorations or ingredients that cause it to look like butter. For a violation of this section any person shall be fined \$25 nor more than \$100 for each offense.

Sec. 13. Whoever exposes for sale oleomargarine, butterine or imitation of pure butter, in tubs, firkins or original packages not printed, branded, stamped or marked in a conspicuous place with the words "Oleomargarine" or "Butterine" or "Imitation Butter," in letters not less than one inch in length and one-half inch wide, or in retail packages not conspicuously labeled, as the case may be, as aforesaid,

shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100 for each offense.

RENOVATED BUTTER.

Sec. 14. Whoever shall manufacture butter that is produced by taking original packing, packed, or other butter, or both, and melting the same so that the butter fat can be drawn off, then mixing the said butter fat with skimmed milk, or milk and cream, or other milk product and rechurning the said mixture; or that is produced by any melting process and is commonly known as boiled or process butter; unless the tub or firkin or package in which the same is put up be legibly and distinctly stamped or marked with the words "Renovated Butter" in letters not less than one inch in length and one-half inch in width on prints, boxes or rolls, or not conspicuously labeled on the wrapper thereof with the words "Renovated Butter" in printed letters not less than one-half inch in width, shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 15. Whoever furnishes or causes to be furnished in any hotel, restaurant, boarding house, or any lunch counter, oleomargarine or butterine to any guest or patron of such place instead of butter, shall notify said guest that the substance furnished is not butter. For a neglect to so notify said person in the case aforesaid it is a misdemeanor punishable by a fine of not less than \$5 nor more than \$10 for each offense.

CHEESE.

Sec. 16. Any person who shall manufacture out of any oleaginous substance or compound thereof, other than that produced from unadulterated milk, any article designed to take the place of cheese produced from pure milk, or any article termed "Full Cheese," shall stamp each package on the top and sides with lamp black and oil with the words "Full Cheese," or words that shall designate the exact character and quality of the product, in printed letters not less than one inch long and one-half inch wide. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 for each offense.

Sec. 18. Repeals acts in conflict herewith.

ADULTERATED FOODS AND MEDICINE.

Sec. 7309. Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong spirituous or malt liquor or wine or any article useful in compounding either of them whether as useful for mankind or for animals with a fraudulent intent to use the same, or cause or permit it to be offered for

sale as unadulterated or undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated and undiluted, knowing it to have been adulterated and diluted, is guilty of a misdemeanor.

ADULTERATED CANDY.

Sec. 7309a. No person shall by himself, his servant or agent or as the servant or agent of another person or corporation manufacture for sale or knowingly sell or offer for sale any candy adulterated by the admixture of terra-alba, barytes, talc or any other mineral substance, by poisonous colors or flavors or other ingredients deleterious or detrimental to health. Whoever violates any of the provisions of this section shall be punished by a fine not exceeding one hundred dollars nor less than fifty dollars. The candy so adulterated shall be forfeited and destroyed under the direction of the court.

Sec. 7310. Tainted Food. Every person who knowingly sells, or keeps, or offers for sale, or otherwise disposes of any article of food, drink, drug or medicine knowing that the same has been tainted, decayed, spoiled or otherwise unwholesome or unfit to be eaten or drunk with intent to permit the same to be eaten or drunk by any person or animal is guilty of a misdemeanor.

ADULTERATION OF FOOD.

Chap. 4 (H. B. 103), Laws of 1901.

Sec. 1. Adulterating and Misbranding Foods and Beverages. It shall be unlawful for any person, his servant or agent, or while acting as the servant or agent of any other person or corporation, to manufacture for sale or offer for sale any article of food or beverage which is unwholesome or adulterated within the meaning of this act.

Sec. 2. What Constitutes Adulteration. Any article of food or any beverage shall be considered as unwholesome or adulterated within the meaning of this act:

1. If it contains any form of aniline dye or other coal tar dye.

2. If it contains formaldehyde, benzoic acid, sulphite or sulphuric acid, or salicylic acid.

3. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength so that such article of food or beverage when offered for sale shall deceive or tend to deceive the purchaser.

4. If any inferior or cheaper substance or substances have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

5. If any necessary or valuable constituent part of the article has been in whole or in part extracted.

6. If it be in imitation of or offered for sale under the specific name of another article.

7. If it be labeled or branded so as to deceive or mislead the purchaser.

8. If it consist wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substances.

Provided, that an article or beverage shall not be deemed adulterated in the following cases:

1. If it be a compound or mixture of a recognized food product and not included in definition six of this section.

2. In the case of candies and chocolates, if they contain no terra-alba, Chrome yellow or other mineral substances or aniline dyes or other poisonous colors or flavors detrimental to health.

3. If in the case of baking powders in any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package, containing such powder a light colored label upon the outside and face of which there is distinctly printed, in black ink, and in clear, legible type, the name and address of the manufacturer, the true and correct analysis of each and all the constituents or ingredients contained in or contributing a part of such baking powder or mixtures or compound intended for use as a baking powder.

Sec. 3. Penalty. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for each offense be punished by a fine of not less than twenty-five nor more than one hundred dollars and all necessary costs, including the expense of analyzing such adulterated article when such person shall be found guilty under this act.

Sec. 4. Duty of State's Attorney. It shall be the duty of the State's Attorney to prosecute all persons violating any of the provisions of this act.

Sec. 5. Repeal. All acts and parts of acts in conflict with the sections of this act are hereby repealed.

Sec. 6. This act shall take effect January 1, 1902.

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DESIROUS OF GIVING
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HON. JOS. E. BLACKBURN, Ph. G.,
Ohio State Dairy and Food Commissioner.



WILLIAM MARTIN,
Assistant Ohio Food and Dairy Commissioner,
Northern District.



JOHN J. KINNEY,
Assistant Ohio Dairy and Food Commissioner,
Southern District.



MARTIN COWEN,
Chief Inspector, Ohio Dairy and Food
Commissioner.

OHIO DAIRY AND FOOD COMMISSION.

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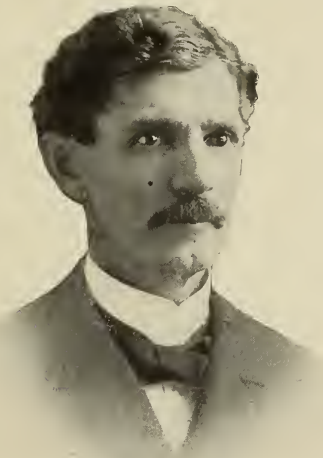
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Only Equaled by the best Home-made.

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HORACE ANKENY,
Commissioner Elect Ohio Dairy and Food
Commission.



HON. SCOTT BONHAM,
Attorney Ohio Dairy and Food Commission.

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Operating Eight Large Factories.

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CINCINNATI, OHIO.

PURE FOOD LAWS OF OHIO.

Regulating the manufacture and sale of foods, drinks and drugs, and providing against fraud and deception therein. The pure food laws of Ohio are administered by a commission, the head of which is elected by the people with the power to appoint assistants and attorneys to co-operate with him in the enforcement of the laws. The present State Dairy and Food Commission of Ohio consists of the following:

OHIO DAIRY AND FOOD COMMISSION.

J. E. Blackburn, Ph. G., commissioner, Columbus.

William Martin, assistant commissioner, Chardon.

John J. Kinney, assistant commissioner, Cincinnati.

Martin Cowen, chief inspector, Bellaire.

M. A. Bridge, chief clerk, Columbus.

M. J. Cheetham, stenographer, Columbus.

Annie C. Hoge, clerk, Columbus.

F. W. Herbst, drug inspector, Columbus.

George Reymer, inspector, Mansfield.

J. F. Knouff, inspector, Caldwell.

E. B. Beverstock, inspector, Tontogany.

O. J. Berry, inspector, Kimbolton.

Anthony Sauer, inspector, Cincinnati.

George C. Diehl, inspector, Dayton.

Walter F. Brown, attorney, Toledo.

E. B. Dillon, attorney, Columbus.

O. J. Renner, attorney, Cincinnati.

Scott Bonham, attorney, Cincinnati.

Charles H. Bosler, attorney, Dayton.

J. P. Fawcett, attorney, Canton.

J. W. Halfhill, attorney, Lima.

W. B. Beebe, attorney, Cleveland.

J. C. Heinlein, attorney, Bridgeport.

Charles Lawyer, attorney, Jefferson.

J. C. Tallman, attorney, Bellaire.

C. T. Marshall, attorney, Zanesville.

W. S. Plum, attorney, Bellefontaine.

James Joyce, attorney, Cambridge.

Henry Bowers, attorney, New Philadelphia.

Charles H. Wilkins, attorney, Warren.

Edwin C. Wright, attorney, Greenville.

Louis Schmidt, chief chemist, Cincinnati.

G. A. Kirchmaier, chemist, Toledo.

P. L. Hobbs, chemist, Cleveland.

B. S. Young, chemist, Ada.

E. Herbst, chemist, Columbus.

O. G. Brooks, messenger, Columbus.

THE LAWS WHICH IT IS THE CHARGE OF THE COMMISSIONER TO ENFORCE ARE IN SUBSTANCE AS FOLLOWS:

Sec. 1. The state dairy and food commissioner shall be elected for two years, beginning

with 1896, at a salary of \$2,000 per year and expenses.

Sec. 2. The commissioner and his assistants shall inspect any article of butter, cheese, lard, syrup or any other article of food or drink made or offered for sale in this state, and prosecute persons engaged in the manufacture of any adulterated article of food or drink contrary to the laws. The commissioner or his assistants shall have the right to enter into any creamery, factory or place of business where he shall have reason to believe food or drink is sold, and to examine the books and to open any cask or package containing any article of food or drink and analyze the contents thereof, and the prosecuting attorney in any county shall, when called upon by said commissioner or assistants, render any legal assistance in the prosecution of cases arising under this act.

Sec. 4. The commissioner may appoint two assistant commissioners at a salary of \$1,000 per year and expenses; also experts, chemists, agents, inspectors, and counsel that may be necessary, and their compensation may be fixed by the commissioner. All expenses shall be paid out of the state treasury upon vouchers certified by the commissioner and upon warrant by the state auditor. Provided the same shall not exceed the amount specifically appropriated for such purposes. Vacancies in the office of the food commissioner shall be filled by the governor until the next election. All fines, fees and costs shall be paid to the commissioner and by him paid into the state treasury. He shall keep a seal with which to attest official acts and documents, and shall make an annual report to the governor on the 15th day of November of each year. He shall give a bond in the sum of \$5,000 to the state with two or more sureties conditioned for the faithful performance of his duties.

LAWS AGAINST THE ADULTERATION OF FOODS AND DRINKS.

Sec. 1. Prevents the manufacture or sale of any drug or article of food which is adulterated within the meaning of this act.

Sec. 2. The term "drug" shall include all medicines for internal or external use, antiseptics, disinfectants and cosmetics. The term "food" shall include all articles used for food or drink by man.

Sec. 3. An article is deemed to be adulterated within the meaning of this act:

(a) In cases of drugs: (1) If when sold under or by a name recognized in the United

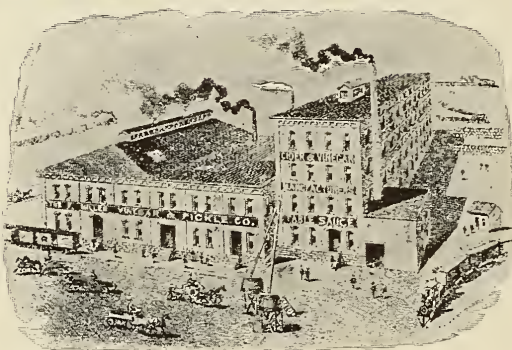
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WHITE STAR
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Hommel's Champagne secured the highest award over all American Champagnes at the
World's Columbian Exposition, Chicago, 1893; also Silver Medal at Paris Exposition, 1900.

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Write for Illustrated Price Lists and Catalogue.

THE M. HOMMEL WINE CO., Sandusky, Ohio



State Pharmacopœia it differs from the standard of strength, quality or purity laid down therein; (2) if when sold under or by a name not recognized in the United States Pharmacopœia, but which is found in some other pharmacopœia or other standard work of materia medica, it differs materially from the standard of strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold.

(b) In the case of food: (1) If any substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance has been substituted wholly or in part for it; (3) if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) if it is an imitation of or is sold under the name of another article; (5) if it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk if it is the product of a diseased animal; (6) if it is colored, coated, powdered or polished whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance poisonous or injurious to health; provided the provisions hereof shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if on *each and every package sold or offered for sale* is distinctly labeled as mixtures or compounds *with the name and per cent of each ingredient therein and are not injurious to health*.

Sec. 4. Requires that every person manufacturing, selling or delivering to a purchaser any drug or food within the provisions hereof shall furnish on demand, if a tender of the value of the same shall be made, a sample sufficient for analysis of any such drug or article of food.

Sec. 5. It is a misdemeanor to violate the provisions of this act, punishable by a fine of \$25 nor more than \$100 or imprisonment for 30 days nor more than 100 days, or both. In addition to the penalties herein provided all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of which said person may have been found guilty of manufacturing or selling shall be paid by such person.

AN ACT PROVIDING AGAINST THE SALE OF UNWHOLESOME FOOD AND AGAINST THE CONTAMINATION OF ANIMALS USED FOR HUMAN FOOD.

Section 6928. Provides that whoever sells or

has in his possession with a view to selling any diseased or corrupted or unwholesome provisions, whether meat or drink, without making the conditions thereof known to the buyer, and whoever kills for the purpose of sale any calf less than four weeks old, or has in his possession with intent to sell the meat of any calf which he knows to have been killed when less than four weeks old, shall be fined not more than \$50, or imprisonment not more than 20 days, or both.

Sec. 6928. 1. Whoever feeds to swine or animals used for human food the flesh of any old horse or the flesh of any animal which has become old, decrepit or sick, or of any dead animal, or of any offal, or flesh that is putrid or unwholesome, shall be fined not less than \$50 nor more than \$200 or imprisonment for the first offense not more than 30 days, or both, and for the second offense not more than six months, or both.

AN ACT TO PREVENT ADULTERATION OF AND DECEPTION IN THE SALE OF DAIRY PRODUCTS.

Sec. 1. Prevents the sale or exchange of any substance represented to be butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, unless it is sold under its true name and each vessel and package is marked with the true name of such substance in bold-faced capital letters not less than five line pica in size, and also the name of each article or ingredient used in the composition of such substance in letters not less than pica in size; or sell or dispose of such substances without labeling each package thereof plainly; and "creamery" or "dairy" or any combination of such words shall not be placed on any vessel or package containing any imitation of dairy products not wholly made from pure milk or cream and harmless coloring matter and salt.

Sec. 2. Prevents the manufacture out of any oleaginous substances or compound thereof not produced from unadulterated milk or cream, salt and harmless coloring matter, of any article designed to be sold as butter or cheese made from pure milk or cream, salt and harmless coloring matter. The use of pure skim milk in the manufacture of cheese is not prevented.

Sec. 3. Prevents the manufacture, compounding or addition to natural pure milk, cream, butter or cheese, of any animal fats or oils, or mineral or vegetable oils, or of any oleaginous substance not produced from pure milk or cream, salt and harmless coloring matter, or to dispose of the same as and for butter and cheese made from unadulterated milk or cream, salt and harmless coloring matter.

Sec. 4. Prevents the sale or exchange, or the

possession of any substance made in imitation of any dairy product which is falsely branded or labeled as to the place where made, the name or cream value thereof, its composition or ingredients, or in any other respect.

Sec. 5. Prevents the sale or exchange or the possession of any dairy product falsely branded or labeled as specified in section 4, and cheese wholly made from skimmed milk shall have branded upon the box or can containing same "made from skimmed milk."

Sec. 6. Compels persons dealing in any substance other than butter or cheese made wholly from pure milk or cream, salt and harmless coloring matter, in imitation of butter or cheese, to keep a card 10 by 14 inches in a conspicuous place in the store, room, stand, booth, wagon or place where such substance is, on which shall be printed on a white ground in bold black Roman letters not less than twelve lines pica, the words "Oleomargarine" or "Imitation cheese" (as the case may be) "sold here," and said card shall not contain any other words; and no person shall sell oleomargarine, suine, imitation cheese, or imitation dairy products at retail without informing the purchaser that such substance is an imitation.

Sec. 7. Requires every proprietor, keeper or manager in charge of any hotel, boarding house, restaurant, lunch counter, or public house using or disposing of any substance in imitation of butter or cheese not made wholly from pure milk or cream, salt and harmless coloring matter, to display and keep a white card in a conspicuous place where such substance is sold, used or disposed of not less than 10 by 14 inches, upon which shall be printed in plain bold black Roman letters of twelve line pica the words "Oleomargarine sold and used here," or "Imitation cheese sold and used here" (as the case may be), and the said card shall not contain any other words.

Sec. 8. Prevents the packing, shipping or consigning of any substance as pure butter or cheese in a manner intended to conceal an inferior article by placing a finer grade of butter or cheese upon the surface of the same.

Sec. 9. Provides that no person shall sell or carry to any cheese or butter factory to be manufactured any milk diluted with water or adulterated, or skimmed milk, or milk from which the part known as "strippings" has been withheld, with intent to defraud, or render any false account of the quantity or weight of milk furnished at or to any factory for manufacture.

Sec. 10. Prevents the sale or exchange of unclean or unwholesome milk, or as "pure milk" milk diluted with water or skimmed milk.

Sec. 11. Prevents the sale or exchange or the possession of any milk falsely branded as to grade, quantity or place where produced or procured.

Sec. 12. No person shall keep milk cows in a cramped or unhealthful condition, or upon food that produces impure or unwholesome milk.

Sec. 13. Requires that in the sale or exchange of any condensed milk the package or vessel containing the same shall be distinctly labeled with its true name or brand, by whom and under what name made, and that no condensed milk shall be made, sold or exchanged unless made from pure unadulterated milk, not skimmed, or unless the proportion of milk solids contained in condensed milk are twelve per centum of milk solids in crude milk, and of such solids twenty-five per centum shall be fat.

Sec. 14. No impure butter or cheese shall be used in any of the charitable or penal institutions of the state.

Sec. 15. It is a misdemeanor to violate any of the foregoing sections, punishable by a fine of not less than \$50 nor more than \$200 for the first offense or for each succeeding offense not less than \$100 nor more than \$500, or by imprisonment not less than 10 nor more than 90 days, or both.

AN ACT TO PREVENT DECEPTION IN THE SALE OF DAIRY PRODUCTS AND TO PRESERVE THE PUBLIC HEALTH.

Sec. 1. Prevents the manufacture or rendering for sale out of animal or vegetable oils not produced from unadulterated milk or cream of any imitation of natural butter or cheese so produced, nor compound with or add to milk, cream or butter any acids or other deleterious substances or animal fats or oils, or vegetable oils not produced as aforesaid, so as to produce any imitation of natural butter or cheese, whether such article, substance or compound shall be made in this state or elsewhere.

Sec. 2. For the purpose of this act the terms "natural butter and cheese," "natural butter or cheese produced from pure unadulterated milk or cream from the same, butter and cheese made from unadulterated milk or cream, butter or cheese the product of the dairy," and butter and cheese shall be understood to mean the product usually known by the terms butter and cheese manufactured exclusively from pure milk or cream, or both, with salt, or with or without any harmless coloring matter. Provided the sale of oleomargarine is not prohibited if made in a manner to advise the consumer of its real character.

Sec. 3. It is a misdemeanor to violate this act, punishable by a fine of not less than \$100

nor more than \$500, or not less than six months nor more than one year's imprisonment for the first offense, and by imprisonment for one year for each subsequent offense.

OLEOMARGARINE.

Sec. 1. Prevents the sale or having in possession of oleomargarine containing any meth-ly, orange, butter yellow, annato, annaline dye, or any coloring matter.

Sec. 2. Requires persons selling or delivering oleomargarine to keep a white placard 10 by 14 inches in a conspicuous place where such substance is offered for sale, upon which shall be printed in black letters one and one-half inches square the words "oleomargarine sold here"; and said package must be labeled with the true name of such article on the upper side thereof, in letters not less than five-eighths of an inch square the name and per cent of each ingredient therein.

Sec. 3. Every proprietor, hotel keeper, manager or boat, railroad car or eating house, using oleomargarine, is subjected to the requirements of section 2 as to notifying the guests or patrons of such usage, except as to the ingredients contained in said oleomargarine.

Sec. 4. "Oleomargarine" is defined to mean any substance not pure butter of not less than 80 per cent of butter fats, made in imitation of butter.

Sec. 5. Provides that any manufactnrer who violates this act shall be fined not less than \$100 nor more than \$500; and for each subsequent offense in addition to the fine he may be imprisoned in the county jail for 90 days; any other person shall be fined \$50 nor more than \$100.

CHEESE.

Sec. 1. Provides that whoever sells or has in his possession with intent to sell any substance inimitation of cheese, not made exclusively and wholly of milk or cream, with salt, rennet, and with or without harmless coloring matter, or containing any fats, oils or grease not produced from milk or cream, shall have the words "filled cheese," and all cheese made as aforesaid containing less than 20 per cent pure butter fat, shall have the words "skimmed cheese" stamped or labeled in letters of plain uncondensed Gothic type at least one inch in length upon the sides of every cheese, cheese cloth or band around the same, and upon the top of every package containing the same. Retailers shall deliver with each package to the purchaser a label attached upon the outside thereof with the words "filled cheese" or "skimmed cheese" printed as aforesaid.

Sec. 2. Whoever sells any substance as cheese, except as provided in section 1, or who-

ever erases, cancels or removes any label or wrapper as provided aforesaid, or falsely labels or marks any package stamped as aforesaid, shall be fined not less than \$50 nor more than \$100, or be imprisoned in the county jail not less than 10 nor more than 30 days for the first offense, and not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 3. Whoever sells to any person any substance in imitation of cheese not made entirely from milk or cream, as provided aforesaid, shall be punished by a fine of not elss than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 4. Whoever sells any substance as cheese not marked as hereinbefore provided shall be punished by a fine not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 5. Whoever sells any substance as an imitation of cheese not made as aforesaid, from any dwelling houses, office, store or public mart, shall post therein in letters not less than four inches in length "filled cheese sold here," or "skimmed cheese sold here," as the case may be. For failure to do so he shall be fined \$100 for the first offense and \$100 a day for each day's neglect thereafter.

Sec. 6. Whoever sells or solicits orders for the future delivery of, or delivers "filled cheese" or "skimmed cheese" or any imitation thereof not made as aforesaid, and not having on both sides of said cart, wagon or other vehicle a placard containing the words "filled cheese" or "skimmed cheese" in uncondensed Gothic letters not less than three inches in length, shall be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200 or by imprisonment in the county jail not less than 20 nor more than 60 days, or both, for each subsequent offense.

Sec. 7. Whoever furnishes in any hotel, restaurant, or at any lunch counter "filled cheese" or "skimmed cheese," or any imitation thereof, not made as aforesaid, shall notify each

guest or patron that said substance is not cheese, and any person so furnishing without said notice shall be punished by a fine of not less than \$10 nor more than \$50 for each offense.

Sec. 8. Every manufacturer may brand each cheese manufactured indicating "full milk cheese," with the name and year when made, and no person shall use such brand upon any cheese made from milk from which any of the cream has been taken. The food and dairy commissioner shall issue to each manufacturer upon application before the first day of April of each year, upon such regulations as he may prescribe, a uniform stencil brand bearing a suitable motto or design and the words "Ohio state full cream cheese." Every such brand shall be used upon the outside of the cheese, cheese cloth or brand, and upon the package or box containing the same and bear a separate number for each separate manufacturer. The commissioner shall register the name, location and number of each manufacturer, using the brand or stencil authorized in each factory. No such brand shall be used upon any other than full cream cheese or packages thereof; provided, however, this section shall not prohibit the sale of pure skimmed cheese made from milk that is clean, pure and unadulterated except by skimming. The commissioner shall receive a fee of \$1 for each registration, to be paid by the person applying therefor. Every violation of this act is punishable by a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail not less than 10 nor more than 30 days for the first offense, and by a fine of not less than \$100 nor more than \$200, or by imprisonment in the county jail not less than 20 nor more than 60 days, or both fine and imprisonment, for each subsequent offense.

Sec. 9. The word "person" shall include persons, corporations and companies.

MILK.

Sec. 1. Prevents the sale, exchange or delivery or possession with intent to sell of adulterated milk, or milk to which water or any foreign substance has been added, or milk from diseased or sick cows, and declares it a misdemeanor to violate this act, punishable by a fine of not less than \$50 nor more than \$200 for the first offense, nor less than \$100 nor more than \$300, or by imprisonment in the work house for not less than 30 days nor more than 60 days for a second offense, and for a subsequent offense by a fine of \$50 and by imprisonment in the work house for not less than 60 nor more than 90 days.

Sec. 2. Whoever sells, exchanges or has in his possession with intent to sell any milk from

which the cream or part thereof has been removed, shall be punished as in the preceding section provided.

Sec. 3. No dealer in milk shall sell or exchange or deliver "skimmed milk" unless the words "skimmed milk" have been plainly marked in uncondensed Gothic letters not less than one inch in length upon each vessel or package containing the same. Whoever violates this section shall be punished as provided in section 1.

Sec. 4. In prosecutions under this chapter if milk is shown upon analysis to contain more than 88 per cent of watery fluids, or to contain less than 12 per cent milk solids not less than one-fourth of which must be fat, it shall be deemed for the purpose of this chapter to be adulterated, except during the months of May and June, when milk containing less than eleven and one-half per cent of milk solids shall be deemed to be not of good quality.

CANDY.

Sec. 1. Prevents the sale or manufacture of adulterated candy, by the admixture of terra alba, barytes, talc or other mineral substance, poisonous colors or flavors or ingredients injurious to health.

Sec. 2. Every person manufacturing any candy shall upon demand furnish the buyer with a sample sufficient for analysis thereof.

Sec. 3. Whoever refuses to comply with the requirements of section 2, and whoever violates this act, shall be guilty of a misdemeanor and fined not exceeding \$100 nor less than \$25, or imprisoned in the county jail not exceeding 100 nor less than 30 days, or both, and in addition shall pay costs incurred in inspection and analysis of such adulterated candy.

CANNING FRUITS AND VEGETABLES.

Sec. 1. It is unlawful for any packer or dealer in preserved or canned fruits or vegetables to offer same for sale, except goods brought from foreign countries, unless marked to indicate the grade and quality, together with the name and address of such firm, person or corporation who packed the same, or dealer who sells the same.

Sec. 2. All soaked goods or goods put up from produce dried before canning shall be securely labeled, upon which label the words "soaked" in letters not less than two-line pica shall be printed; and all packages containing maple syrup or molasses shall be labeled, and upon such label shall be printed the name and address of the person, firm or corporation who made and prepared the same, together with the name and quality of the goods, in letters of the size provided in this section.

Sec. 3. Any person who shall falsely stamp or label cans or jars containing preserved fruit or food or violates the provisions of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than \$50 in the case of vendors, and in the case of manufacturers a fine of not less than \$500 nor more than \$1,000; and it shall be the duty of any board of health cognizant of any violation of this act to punish any firm or corporation violating the provisions hereof.

MAPLE SUGAR AND MAPLE SYRUP.

Sec. 1. Pure maple syrup or pure maple sugar shall be the unadulterated product produced by the evaporation of pure sap from the maple tree.

Sec. 2. The standard of weight of a gallon of maple syrup of 231 cubic inches shall be eleven pounds. Any substance mixed with maple syrup or maple sugar shall be deemed an adulteration within the laws of this state.

VINEGAR.

Sec. 1. Prevents the manufacture or sale or delivery or possession with intent to sell of vinegar not in compliance with the provisions hereof. No vinegar shall be sold as apple or cider vinegar which is not the legitimate product of pure apple juice; or vinegar not made exclusively of apple cider; or vinegar which upon test shall contain less than two per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 2. Vinegar made by fermentation or oxidation without the intervention of distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. Vinegar made from distilled liquors shall be branded "distilled vinegar" and shall be free from coloring matter other than that imparted to it by distillation. Fermented vinegar not distilled shall contain not less than 2 per cent of solids (at the temperature of boiling water) contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and one-half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegar shall be made from fruit or grain from which it is represented to be made, and contain no foreign substance, and shall contain not less than four per cent by weight of absolute acetic acid.

Sec. 3. Prevents the manufacture or sale or possession with intent to sell of vinegar containing any preparation of lead, copper, sulphuric or other mineral acids or ingredients injurious to health. All packages containing vinegar shall be branded on the head of the

cask, barrel or keg containing same with the name and residence of the manufacturer, together with brand required in section 2 hereof.

Sec. 4. A violation of this act is punishable by a fine of not less than \$50 nor more than \$100, or imprisonment not less than 30 nor more than 100 days, or both, and the payment of costs incurred in the inspection and analysis of such vinegar. Every person not a domestic manufacturer of cider vinegar shall brand the packages or kegs containing same with the name and residence of the manufacturer, the date when same was made, and the words "cider vinegar." No vinegar shall be branded fruit vinegar unless made wholly from apples, grapes or other fruit. Provided this act shall not prevent farmers from manufacturing for their own private use or selling not to exceed twenty-five barrels in any one year pure cider vinegar or pure fruit vinegar, branding the same "domestic cider vinegar" with the name and date of manufacture.

FLAXSEED OR LINSEED OIL.

Sec. 1. Prevents the sale or manufacture of flaxseed or linseed oil for other than food purposes unless the same answers the chemical test for purity recognized in the United States Pharmacopœia, or as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of 225 degrees Fahrenheit.

Sec. 2. Prevents the sale of flaxseed or linseed oil under any other than its true name, and requires that each tank, car, barrel or any vessel containing same shall be distinctly and durably painted or stenciled with the true name of such oil in ordinary black-faced capital letters not less than five lines pica in size with the words "Pure Linseed Oil, Raw," or "Pure Linseed Oil, Boiled," and the name and address of the manufacturer.

Sec. 3. Prevents the sale without stamp as required by this act on vessels containing flaxseed or linseed oil or falsely stamping same, and declares such to be a misdemeanor, punishable by a fine of not less than \$50, nor more than \$500, or imprisonment not less than 30 nor more than 90 days, or both, for each offense.

Sec. 4. The Food and Dairy Commissioner is charged with the enforcement of this act.

INTOXICATING LIQUORS.

Sec. 7082 R. S. Whoever adulterates for the purpose of sale any spirituous, alcoholic or malted liquors used for drink or mechanical purposes with coculus-indicus, vitriol, grains of paradise, opium, alum, capsicum, copperas, laurel water, logwood, Brazilwood, cochineal, sugar of lead, aloes, glucose, tannic acid or any other substance which is poisonous or injurious

to health, or with any other substance not necessary in the manufacture thereof, or whoever sells such adulterated liquors shall be fined in a sum not less than \$20 nor more than \$100, or be imprisoned not less than 20 nor more than 60 days, or both. Any person guilty under this section shall also pay all costs incurred in inspection and analysis of such adulterated liquors.

(MANUFACTURING OR SELLING POISONED LIQUORS.)

Whoever uses any active poison in the manufacture or preparation of any intoxicating liquors, or sells such liquors so prepared, shall be imprisoned in the penitentiary for one nor more than five years.

(FAILING TO PROPERLY BRAND PACKAGES OF LIQUORS.)

Whoever sells or manufactures intoxicating liquors and fails to brand on each package containing same the name of the manufacturer or person rectifying or preparing the same, and also the words "containing no poisonous drugs or other added poison," shall be fined not more than \$1,000 and imprisoned not more than six months nor less than one month.

DOMESTIC WINES.

Sec. 7081 R. S. Whoever adulterates any wine, or juice expressed from grapes grown within this state, by mixing therewith any drugs, chemicals, cider, whiskey or other liquor, and whoever sells such adulterated wine or grape juice knowing the same to be adulterated, shall be fined in any sum not more than \$300 nor less than \$50.

WINE, PURE, COMPOUNDED AND ADULTERATED.

Sec. 1. Provides that all liquors denominated as wine, containing alcohol, "except such as shall be produced by natural fermentation of pure undried grape-juice," or compounded with distilled spirits, or by both methods, whether denominated as wine or otherwise, except as allowed in section 4 of this act; or for compounding with other liquors for such use; and all compounds thereof with pure wine; and all preserved fruit juices compounded with substances not produced from undried fruit; and all wines which contain any glucose or nncrystallized grape or starch sugar, or cider, or pomace of grapes, the juice of which has been expressed or extracted, known as grape cheese; and all wines, imitation of wines produced from fruit into which carbonic acid gas has been injected, or which shall contain any alum, baryta, salts, caustic lime, carbonate of soda, carbonate of potash, carbonic acid, salts of lead, salicylic acid or any other antiseptic, coloring

matter (other than produced from undried fruit or pure sugar), essence of ether or any foreign substance whatever, injurious to health, shall be denominated as adulterated wine; and any person selling or manufacturing the same shall be guilty of a misdemeanor, and shall be punished by a fine not less than \$200 nor more than \$1,000, or be imprisoned in the county jail not less than 30 days nor more than six months, or both, and shall be liable to a penalty of \$1 for each gallon thereof sold or manufactured; and such wine shall be deemed a public nuisance and forfeited to the state.

Sec. 2. For the purposes of this act the words "pure wine" shall be understood to mean the fermented juice of the undried grapes, without the addition of water, sugar or any foreign substance whatever; and that such wine shall be known as "pure wine" and shall be stamped or labeled as "pure wine," and the name and kind of wine and the locality where made and the name of the manufacturer may also be added; and it shall be unlawful to affix any label containing the words "pure wine" on any vessel or receptacle containing any substance other than pure wine as in this section defined, or to counterfeit such label so as to mislead or deceive any person or cause the supposed contents of such package to be considered pure wine; and if the name of the manufacturer is added, then only of such manufacturers make, provided the same is pure wine; and any person selling such wine shall in the invoice thereof plainly state and designate the same as "pure wine."

Sec. 3. For the further purposes of this act the word "wine" shall be understood to mean the fermented juice of undried grapes; provided that the addition of pure white or crystallized sugar to perfect the wine, or the using of the necessary things to clarify and refine the same not injurious to health shall not be construed as adulterations, provided such wine shall contain not less than 75 per cent of pure grape juice and no artificial flavoring whatever; and all such "wine" shall be stamped and labeled as "wine" as provided in section 2 hereof, without the prefix "pure"; and the provisions of said section 2 as far as applicable shall govern the manufacture and sale of "wine" as defined herein. Any person selling such wine shall invoice the same as "wine" without the prefix "pure."

Sec. 4. For further purposes of this act the words "compounded wine" shall be understood to mean any wine which contains less than 75 per cent of pure undried grape juice, and is otherwise pure; and all wines containing alcohol or distilled spirits not produced by the natural fermentation of pure undried grapes shall be known as compound wine and branded as such, and the name of such wine may be added,

or such wine shall be labeled with the word "compounded" next preceding the name of such wine, such as "Compounded Sweet Catawba" or "Compounded Port," or the like (and an addition of pure distilled spirits not to exceed 8 per cent of its volume shall not be taken to be an adulteration of such wine); and upon each package or receptacle containing more than three gallons there shall be stamped at both ends in black printed letters at least one inch high and of proper proportion the words "compounded wine," or the name of such wine preceded by the word "compounded," as in this section provided; and upon all packages or receptacles in plain printed black letter, at least one-half inch high and of proper proportion the words "compounded wine," or the name of such wine preceded as aforesaid, and upon all packages and receptacles of one quart or less there shall be securely pasted a label with the words "compounded wine," or the name preceded as aforesaid, plainly printed in black letters at least one-fourth of an inch high and of proper proportion. Should any number of such packages or receptacles be enclosed in a larger package such inside package shall also receive the stamp "compounded wine," or the name thereof preceded as aforesaid, the letters to be the size according to the amount of such wine contained in such outside package. Such wine shall be invoiced as "compounded wine."

Sec. 5. Any person who shall violate any of the aforesaid sections shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$1,000 for each and every offense, or by imprisonment in the county jail not less than 30 days, nor more than six months, or both fine and imprisonment; and shall be liable to a penalty of one-half dollar for each gallon of such wine sold or manufactured. All penalties imposed by this act may be recovered with costs of action by any person in his own name before any justice of the peace in the county where such offense was committed, when the amount does not exceed the jurisdiction of such justice; and such penalties may be recovered in any court of record, but on the recovery by the plaintiff in such case for a sum less than \$50 the plaintiff shall only be entitled to recover costs equal to the amount of such recovery. Prosecuting attorneys of the respective counties shall prosecute for a violation of this act and one-half of the penalty recovered shall belong to and be paid over to the person giving the information upon which the action is brought. Judgments under this act shall be construed in the same manner as judgments in other cases. Two or more penalties may be included in the same action.

Sec. 6. This act shall not apply to medicated

wines sold for medicinal purposes only; nor to currant wine or other wines made from fruits other than grapes, which are labeled or sold under names including the word wine, but also distinctly expressing the fruit from which they are made, as "gooseberry wine," "eldeberry wine," or the like.

(SELLING OR GIVING AWAY POISONS.)

Whoever sells or gives away any quantity of arsenic less than one pound without first mixing therewith soot or indigo, in the proportion of one ounce of soot or one-half ounce of indigo to the pound of arsenic, except upon the prescription of a physician, or sells or gives away any quantity of poison to any minor, or to any person, without first having marked the word "poison" upon the label on the package containing same, and registered the day and date upon which same is sold or given away, and the quantity thereof, and the name and sex, age and color of the person obtaining the same, and the purpose for which same is required, and the name and place of abode of the person for whom such is intended, shall be fined not more than \$200 nor less than \$20.

LABELING POISONOUS ARTICLES.

Sec. 1. Whenever any pharmacist, druggist, or dealer in poisons, chemicals, medicines or drugs shall sell any drug or chemical, such dealer shall affix to each bottle or package of such drug, chemical or poison a label printed in red ink with the name of the article and the precautionary emblem of the skull and crossbones and the words "caution" and "poison," and at least two of the most readily obtainable antidotes to such poisonous article. A violation of this act is punishable by a fine not exceeding \$100 nor less than \$10.

(SELLING ARTICLES HAVING FORGED STAMP, BRAND, OR LABEL AFFIXED.)

Whoever sells any goods, merchandise, or preparation upon which any words, stamp or label or trade-mark is affixed, knowing the same to be forged, shall be fined not more than \$100. (56 v. 86.)

(FORGING BRAND, STAMP, LABEL, OR TRADE-MARK.)

Sec. 7096. Whoever willfully forges or counterfeits any brand, label, or trade-mark used upon goods, merchandise, or preparation shall be fined not more than \$500, or imprisoned not more than twelve months, or both.

(FAILURE TO MARK WEIGHTS ON PACKAGES; FRAUDULENT TRANSFER OF BRANDS; FRAUDULENT REPACKING OF BRANDED PACKAGES.)

Sec. 7072. Whoever puts up or packs any goods or articles sold by weight, into any case or

package, and fails or omits to mark thereon the gross, tare and net weights thereof in pounds and fractions of pounds; or, with intent to defraud, transfers any brand, mark or stamp put upon such case or package, or repacks any case or package marked or branded with the stamp of any manufacturer, shall be fined not more than \$500 or imprisoned not more than six months, or both. (53 v. 69; 62 v. 145.)

(HAVING BRAND, LABEL, ETC., IN POSSESSION, TO USE FRAUDULENTLY; FRAUDULENTLY USING GENUINE BRAND, STAMP, ETC.)

Whoever has in his possession any die, plate, engraving, brand, stamp, printed label, wrapper or trade-mark, or any imitation thereof, affixed by any person upon articles made, manufactured or prepared by him, for the purpose of making impressions or selling the same when made, or passing the same off upon the community as original goods of such other person, or so in fact sells or uses the same, or wrongfully or fraudulently uses the genuine stamp, etc., shall be fined not more than \$500, or imprisoned not more than twelve months, or both. (56 v. 86.)

Before dealing in "scheme goods" dealers should consult laws against lotteries. (Sections 6929, 6930, and 6931, R. S.)

(SELLING BY FALSE WEIGHTS.)

Whoever knowingly sells or permits any person in his employ to sell any property, or makes or gives any false or short weight or measure, whereby any person may be deceived or injured, shall be fined not more than \$50, or imprisoned not more than 30 days, or both.

PROCEDURE IN ADMINISTRATION OF FOOD LAWS, JURISDICTION, COSTS, ETC.

AN ACT to amend section 3718a of the Revised Statutes of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. That section 3718a of the Revised Statutes of Ohio be amended so as to read as follows:

Sec. 3718a. Any justice of the peace, police judge, or mayor of any city or village, shall each have jurisdiction within his county, in all cases of violation of the laws to prevent the adulteration of food and drink, the adulteration or deception in the sale of dairy products, or any other foods, and drugs and medicines, and any violation of the law for the prevention of cruelty to animals or children, or under sections 3140-2, 4364-24, 4364-25, 6984, 6984a of the Revised Statutes of Ohio. In any

such prosecution where imprisonment may be a part of the punishment, if a trial by jury be not waived, the said justice of the peace shall, not less than three nor more than five days before the time fixed for trial, certify to the clerk of the court of common pleas of his county that such prosecution is pending before him. Thereupon said clerk shall proceed to draw, in the presence of representatives of both parties, from the jury wheel or box containing the names of persons selected to serve as petit jurors in the court of common pleas in said county, twenty ballots or names, which shall be drawn and counted in the same manner as for jurors in said court of common pleas. Said clerk shall forthwith certify the names so drawn to said justice of the peace, who, upon receipt thereof, shall issue to any constable of the county a venire containing such names to serve as jurors to try such case and make due return thereof. The jurors shall be subject to the same challenges as jurors are subject to in criminal cases, except capital cases, in the court of common pleas. If the venire of twenty names be exhausted without obtaining the required number to fill the panel, the justice shall fill the panel with talesmen in the manner provided for criminal cases in said court of common pleas. In all cases prosecuted under the provisions of this act, no costs shall be required to be advanced or be secured by any person or persons authorized under the law to prosecute such cases; and if the defendant be acquitted or discharged from custody, by nolle or otherwise, or if he be convicted and committed in default of paying fine and costs, all costs of such case shall be certified by said justice of the peace under oath to the county auditor, who, after correcting any errors in the same, shall issue a warrant on the county treasury, in favor of the person or persons to whom such costs and fees shall be paid. And in cases brought for any violation of law for the prevention of cruelty to animals or children, or under sections 3140-2, 6984, 6984a or (7017-3) Revised Statutes of Ohio, any humane society or their agents may employ an attorney to prosecute the same, who shall be paid for his services out of the county treasury in such sum as any judge of the court of common pleas or probate judge, within said county, or the county commissioners, may approve as just and reasonable.

In pursuing or arresting any defendant and in subpoenaing the witnesses, the jurisdiction and powers of the constable or other court officer acting in such capacity, in all such cases, shall be the same as that of the sheriff of the county in criminal cases in the common pleas court, and he shall receive the same fees there-

for as are allowed said sheriff. Jurors in all such cases and witnesses subpoenaed in all such cases shall be entitled to like mileage and fees, as are allowed in criminal cases in the court of common pleas, and in all other respects, in so far as the same may be applicable, the procedure provided for in criminal cases in the common pleas court not otherwise inconsistent herewith, shall be followed. And provided, further, that where, in any such laws, after the first offense, a different punishment is provided for subsequent offenses, the information or affidavit, in order to avail the state of the benefit of such additional punishment, shall so charge that it is the second or subsequent offense, and unless such special charge is so made, the punishment shall in all cases be as of the first offense. All costs and moneys which are to be paid by the county treasurer as herein provided, shall be paid out of the general rev-

enue fund of said county. And in any case prosecuted under the provisions of this section, a new trial, after a verdict of conviction, may be granted, for any of the reasons enumerated in section seventy-three hundred and fifty of the Revised Statutes, upon the written application of the defendant, filed within three days after the rendition of the verdict; provided that the causes enumerated in subdivision two, three and five of said section must be sustained by affidavits or other evidence showing their truth and may be controverted by like evidence.

Sec. 2. That said original section 3718a be, and the same is hereby, repealed, and this act shall take effect from and after its passage.

W. S. McKINNON,

Speaker of the House of Representatives.

F. B. ARCHER,

President of the Senate.

Passed May 10, 1902. 95 O. L. 517.

DECISIONS OF THE SUPREME COURT OF OHIO ON PURE FOOD LAWS.

FOOD. PROSECUTION. It is not necessary to show in a prosecution for selling adulterated food condemned by the pure food laws that the article sold contains a sufficient amount of injurious substance to be detrimental to health if the substance is such that its continuous use in the food would have such effect. *State vs. Hutchinson*, 55 Ohio State, 573.

DELIVERY OF ADULTERATED GOODS. The statute is not violated until the goods are paid for, even if the seller intends to sell the goods and they are delivered. *Hieder vs. State (C. P.)*, 4 Ohio Dec. 227.

ADULTERATED FOOD. It is held in this state that the manager of a mercantile corporation can be fined under the statute prohibiting the sale of adulterated food or drugs, for the sale of an adulterated article by the agent of a corporation if the sale was within the scope of his authority. *Meyer vs. State*, 54 Ohio St. 342.

The Act of 1884 prohibits the sale of any article of food or drug which is adulterated and it is no defense to a prosecution under it to prove that the defendant was ignorant of the adulteration of the article sold or offered for sale. *State vs. Kelly*, 54 Ohio St. 166.

POWER OF DAIRY AND FOOD COMMISSIONERS. Where they are authorized to enforce each and every law against the adulteration of food they have power to point out such matters as may be necessary to inform dealers that certain vinegar was manufactured and sold contrary

to and in violation of the law, and the persons dealing therein shall be punished according to the law. *Williams vs. McNeal*, 7 Ohio Cir. Ct. Rep. 280.

DAIRY AND FOOD COMMISSIONERS—POWER. In order to employ a counsel and fix their fees dairy and food commissioners must upon the recommendation of the Attorney General receive written consent from the Governor and Auditor of the State. *State, Renner vs. Guilbert*, 58 Ohio State 637.

FOOD INSPECTOR. A food inspector cannot compel by injunction a manufacturer to sell an article of food or drink to make an analysis under the statute, the remedy is by prosecution under the succeeding section. *State vs. Capital City Dairy Co.*, 62 Ohio St. 123.

INTENTION OF LEGISLATURE. The legislature in passing laws prohibiting the sale of unsound and diseased meat and provisions intended them as a means of protecting the public health. 39 Ohio St. 236.

ADULTERATION, AFFIDAVIT. An affidavit charging the adulteration of food and drugs need not charge that the adulterated article was sold to be used as food. *State vs. Kelly*, 54 Ohio St. 166.

KNOWLEDGE NOT ESSENTIAL. *Bismann vs. State*, 9 Ohio C. C. 714.

BUTTER. It is held to be within the power of the legislature to enact laws prohibiting the sale of any substance having the semblance of butter

or cheese which is not made wholly from pure milk or cream, unless each package shall have plainly stamped upon it the name of every article used in the composition of such substance, and that it is not a defense to show that they were patented under an indictment for selling impure provisions. *Palmer vs. State*, 39 Ohio St., 236.

CHICORY. It is an offense against the pure food laws of the state to offer liquid chicory and coffee as "liquid coffee" as an article of food. *State vs. Dreher*, 55 Ohio St. 115.

COMPOUNDS. COCOA. The manufacture of a simple article of food from a natural product by abstraction which removes a valuable part does not make it a mixture or compound within the exception in the statute of this state relating to the adulteration of foods, of mixtures, or of compounds, recognized as ordinary articles of food. *Rose vs. State*, 1 Ohio C. D. 72.

Held that the extraction of the greater part of the oil from the cocoa bean, and selling the product as breakfast cocoa, is not an adulteration. *Rose vs. State*, 11 Ohio C. C. 87.

DAIRY PRODUCTS. The act regulating the sale of dairy products and to prevent fraud on the public and to preserve the health of the same is held to be constitutional. *Holtgreive vs. State*, 7 Ohio N. P. 389.

MILK. An act prohibiting adulteration of milk and requiring that each manufacturer shall post a copy of it in the receiving room of his factory is directory only and a failure to do so will not excuse one guilty of selling adulterated milk to the factory contrary to the provisions of the act. *Bainbridge vs. State*, 30 Ohio St. 265.

MILK. On prosecution for knowingly delivering skimmed milk to a cheese factory, with intent to defraud, evidence, tending to show guilty knowledge, of similar transactions of the same kind other than that relied upon for conviction is admissible. *Bainbridge vs. State*, 30 Ohio St. 265.

DEMAND OF SAMPLES. An affidavit stating that a person refused to furnish to persons interested a sample of food for analysis that he offered for sale, is bad because it does not state that the sample was demanded. *Margolins vs. State*, 1 Ohio N. P. 264.

DUPLICATE SAMPLES. It is held that the defendant is not entitled to a sample of the article in possession of the state on which it bases its prosecution, unless the defendant can show that he cannot make a defense as to the ingredients of said article unless he obtains said sample. *State vs. Breckenridge*, 7 Ohio N. P., 663.

ANALYSIS OF DUPLICATE SAMPLES. It is discretionary with the Court to permit an expert to examine the article on behalf of the defendant.

When an analysis of an article in possession of

the state in a prosecution is made on behalf of defendant, such analysis must be made by an expert appointed by the court, and the expert who made the analysis for the state must be present thereat.

The court may appoint any expert it chooses, and need not appoint one suggested by the defendant. *State vs. Breckenridge*, 7 Ohio N. P. 663.

MASTER'S LIABILITY. MILK ADULTERATION. A master is liable for the act of his servant who, when sent with milk to a cheese factory, puts foul water into it, for all the damages sustained by the owner of the factory, who receives and pays for the milk. *Stranahan Bros. vs. Coith*, 55 Ohio St. 398.

PRINCIPAL'S LIABILITY. A general manager who sells adulterated food through traveling salesmen may be prosecuted in any county where such a sale is made. *Bissman vs. State*, 9 Ohio C. C. 714.

LIQUORS. If beer contains salicylic acid without a label on the package to the effect that it contains such substance, and the same is found to be poisonous or deleterious to health by its constant use, it is an offense against the pure food laws under the definition of "Adulteration."

It is held that whiskey is a drug under the adulteration clause.

It is an offense to adulterate whiskey under the laws providing against the adulteration of foods and drugs, even though it be sold as a beverage or commodity. *State vs. Hutchinson*, 56 Ohio 82; 55 Ohio St. 573.

WHISKEY. On a prosecution for the sale of whiskey, not up to the standard of quality and purity required, it is immaterial that the sale is made by the saloon keeper and for use as a beverage. *State vs. Hutchinson*, 56 Ohio St. 82.

MUSTARD. A justice has discretionary power in a prosecution for the sale of adulterated mustard to request the State to permit an analysis of some of the mustard to be made that the case may be better decided, unless it appears that the article would be impaired or destroyed for evidential purposes on the part of the state if the order were complied with. The analysis should be made by an expert appointed by the justice, in the presence of the plaintiff's representative and a state expert, and an officer of the court to direct the same. *Breckenridge vs. State (C. P.)*, 3 Ohio N. P. 313, 4 Ohio Dec. 289.

WINE. To sustain a conviction for selling adulterated wine it is not necessary to prove that the seller knew the wine to be adulterated. *Altschul vs. State*, 8 Ohio Cir. Ct. Rep. 214.

WINE. It is not necessary to show that acid in wine is injurious to health in order to sustain a prosecution under the law against the adulter-

ation of food and drinks, and the putting of such acid in the wine is an adulteration whether the acid be injurious to health or otherwise. *State vs. Haynes*, 7 Ohio N. P. 624.

WINE. Held that the agent of a principal who is a non-resident is liable under the statute for the sale of adulterated wine if he only sends an order to the principal to ship the goods to the buyer. *Meyer vs. State*, 54 Ohio St. 242.

VINEGAR. Held that it is against the statute prohibiting the sale or having in possession with intent to sell any vinegar containing artificial coloring matter, to color it in the process of manufacturing it by passing the low wine or alcohol through roasted malt, giving it a malt flavor and smell, and that the same constitutes artificial coloring matter. *Weller vs. State (C. C.)* 3 Ohio Dec. 695.

VINEGAR. It comes within the police power to prohibit the adulteration and artificial coloring of vinegar. *Weller vs. State*, 85 Ohio L. 259.

OLEOMARGARINE LAWS. It is within the scope of the legislature to regulate the sale. *Bainbridge vs. State*, 30 Ohio St. 264.

OLEOMARGARINE. DEFINITION. The definition of Oleomargarine as any substance not pure butter of not less than 80 per cent of butter fats, which is made as a substitute for, in imitation of, or to be used as butter, does not cover an article of pure butter made from the cream and milk of cows, without foreign substance of any kind, but which according to a chemical analysis contains less than 80 per cent of butter fat. *Ransick vs.*

State, 15 Ohio C. C. 371.

OLEOMARGARINE. Acts which prevent the manufacture or sale of any article in imitation of butter or cheese do not violate the rights of patentees. 39 Ohio St. 236, *Palmer vs. State*; 48 Amer. Rep. 429.

OLEOMARGARINE. A law against the manufacture and sale of oleomargarine in this state which contains any coloring matter does not deprive a corporation engaged in its manufacture of its property without due process of law, even though the statute authorizes coloring matter to be used in the butter. *State vs. Capital City Dairy Co.*, 62 Ohio St. 350, 22 S. Ct. 120.

COLORING MATTER. A justice of the peace has jurisdiction over the offense of introducing coloring matter into oleomargarine. *State vs. Ruedy*, 57 Ohio St. 24.

OLEOMARGARINE AND BUTTER. Butter made from pure milk, though it be deficient in butter fats, is not intended to come under the provisions of the Act of May 16, 1894, regarding oleomargarine, and defining it to be a substance not pure butter and containing less than 80 per cent butter fats. *State vs. Ransick*, 62 Ohio St. 283.

OLEOMARGARINE. A juror is entitled to his fees as provided by the Rev. Statutes, Sec. 5182, to be paid by the treasurer on warrant of the auditor in a prosecution for a violation of the law against selling oleomargarine without displaying a placard that it is kept for sale. *State, Ward, vs. Akins*, 18 Ohio C. C. 19.

PURE FOOD LAWS OF THE TERRITORY OF OKLAHOMA.

The Territory of Oklahoma has no pure food or dairy commission nor is any department specifically charged with the enforcement of the laws against the adulteration of food or drink; but the State Board of Health has power to condemn and cause to be destroyed such articles of food as are impure, adulterated and unfit for human consumption.

DELETERIOUS FOOD. ARTICLE 50.

Sec. 2436. Provides any person who shall sell any kind of diseased, corrupted or unwholesome provisions, whether meat or drink, without making the fact known to the buyer, shall be punished by imprisonment in the county jail not more than six months, or fined not exceeding \$100.

Sec. 2437. Any person who shall fraudu-

lently adulterate, for the purpose of sale, or offer for sale, any substance intended for food, or any wine, spirits, malt or other spirituous liquors or any other liquors intended for drink, or any candy or sweet meat, with any substance, coloring matter, or anything poisonous or deleterious to health, or any article of food or drink that it is not just what, in its purity, it is represented to be, or who shall manufacture, sell or offer for sale, any such adulterated food, liquor, candy or sweet meat, shall be punished by imprisonment in the county jail not more than one year or by a fine not exceeding \$200, and such article shall be forfeited and destroyed.

MILK.

Sec. 2443. Any person who shall bring or send to any other person, to be used for the

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HON. J. W. BAILEY, Dairy and Food Commissioner.



A. L. KNISLEY, Chemist.



**F. G. CUTLIP,
Deputy Dairy and Food Commissioner.**

OREGON DAIRY AND FOOD COMMISSION.

manufacture of butter or cheese, or sell, furnish or supply to any person to be used in any manner whatever, any milk, drawn from a cow not in proper condition of health, or milk adulterated by any deleterious substances, or adulterated with water or colored by any substance whatsoever, shall be punished by imprisonment in the county jail not more than thirty days, or fined not exceeding \$50, and shall be civilly liable to the party wronged in a sum not less than \$50.

Sec. 2264. Every person who adulterates or dilutes any article of food, drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether useful for mankind or animals, with intent to offer the same, or cause or permit it to be offered for sale as unadulterated and undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated or undiluted, knowing it to have been adulterated or diluted, is guilty of a misdemeanor.

PURE FOOD LAWS OF OREGON.

The legislative assembly of this state, at the session held in 1901, enacted a law to provide against the adulteration of articles of food and drink, and to provide for its effectual administration. Under the provisions of this law a Dairy and Food Commissioner shall be elected in the month of June, 1904, and every four years thereafter. He shall have the power to appoint a deputy Dairy and Food Commissioner to assist him in the administration of the laws. The legislature has provided that during the interim from the time of the passage of said act until the election of said Dairy and Food Commissioner in 1904 the laws now in force shall be administered by the Dairy and Food Commissioner elected at the general election held in June, 1900. The Dairy and Food Commission of Oregon is constituted as follows:

J. W. Bailey, Commissioner.

F. G. Cutlip, Deputy Commissioner.

A. L. Knisley, State Chemist.

A digest of the laws on the subject of pure food legislation is as follows:

Sec. 1. Provides for the election of a Dairy and Food Commissioner at the general election in June, 1904, and every four years thereafter. His salary shall be \$1,800 per year and actual traveling expenses not to exceed \$1,200 per year. He may appoint a deputy at a salary of \$900 per year. He may appoint other deputies as occasion may require and fix their compensation. He shall inspect in person or by deputy every creamery and cheese factory within this state not less than once within each year. He shall also inspect dairy herds and the methods of feeding, caring for and stabling of the same. He shall establish his office in the city of Portland. He shall keep full and correct account of all business done by him or by his deputy and make reports to the legislature.

ADULTERATED FOOD AND MEDICINE.

Sec. 2. Prohibits the sale or exchange of any adulterated food, drink or medicine or fertilizer unless marked with its true character so as to distinguish it from a pure article of food, drink, medicine or fertilizer. In any public dining room or eating room where such adulterated food or drinks are used the bill of fare shall state the facts in the same size type as is used in printing the body of said bill of fare, or if no bill of fare is used printed notice thereof shall be posted in a conspicuous place in said dining or eating room, so as to be easily seen by anybody entering such room, in which notice shall be stated in large letters the fact that adulterated food and drinks are being used for food or drink. It is unlawful for any person to sell re-worked butter or mixed butter unless the same is marked "process butter;" and it is unlawful for any person to sell any tub or packed butter re-molded into prints or rolls or squares unless the same is plainly marked "tub butter;" or for any person selling re-worked, mixed or re-modeled butter to mark or brand said butter with the stamp of any creamery or with the words "creamery butter;" or to sell any diseased, unclean, impure or unwholesome food, drink or medicine of any description.

Sec. 3. An article of food or drink or medicine shall be deemed adulterated when:

(1) Any substance has been mixed with it so as to reduce or lower or injuriously affect its quality or strength:

(2) If any inferior or cheaper substance has been substituted wholly or in part for it;

(3) If any valuable constituent has been wholly or in part abstracted from it:

(4) If it is an imitation of or sold under the name of another article:

(5) If it is colored, coated, powdered or pol-

ished whereby damage is concealed; or if it is made to appear better or of greater value as compared with the total solids than it really is; provided, however, that salt, annatto or butter coloring in which annatto is the principal ingredient shall not be considered as an adulteration when used in products.

(6) Butter that contains more than 14 per cent of water.

(7) Milk that contains more than 88 per cent of water.

(8) Milk that contains less than 3 per cent fat.

(9) Milk that contains less than 9 per cent solids other than butter fat, or less than 1.038 specific gravity after cream has been removed.

(10) Jellies, jams and fruit sauces put up for sale that contain any other ingredient than pure fruit substances and juices.

(11) Apple cider vinegar that contains an acidity of less than 4 per cent of absolute acetic acid or $1\frac{1}{2}$ per cent cider vinegar solids, or that is made of anything else than absolute apple cider.

(12) Pickles or fruit sauces shall contain no other sweetening matter than pure sugar.

Sec. 4. Prohibits the manufacture or sale or possession with intent to sell as butter any article, product or compound made wholly or partly out of any fat, oil, oleaginous substance or compound thereof not directly or wholly produced from pure unadulterated milk or cream of the same, or colored in imitation of yellow butter produced from pure unadulterated milk or cream. This act shall not prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloring matter or ingredients causing it to look like butter.

BUTTER.

Sec. 5. Any person who shall manufacture butter under the separator process shall apply to the Dairy and Food Commissioner for a stencil or plate with the number of the creamery and the name of the manufacturer and where manufactured, and the words "Oregon Creamery Butter; Full Weight," and on each box of butter so marked there shall be an impression from said stencil attached thereto, and each roll or square of butter shall bear a wrapper upon which shall be the words "Oregon Creamery Butter; Full Weight," and the number of ounces in such roll or square.

CHEESE.

Sec. 6. Every person who shall, at any creamery, cheese factory or private dairy, manufacture cheese, shall at the place of manufacture brand on the bandage of every cheese

or box containing same the true grade of said cheese, as follows, to-wit., "Oregon Full Cream Cheese," or "Oregon Half Skimmed Cheese," or "Oregon Quarter Skimmed Cheese," or "Oregon Skimmed Cheese," as the case may be. "Full Cream Cheese" shall contain not less than 30 per cent butter fat; cheese that contains 15 per cent butter fat and under 30 per cent butter fat shall be known as "Half Skimmed Cheese"; cheese that contains $7\frac{1}{2}$ butter fat and under 15 per cent butter fat shall be known as "Quarter Skimmed Cheese"; cheese that contains less than $7\frac{1}{2}$ per cent butter fat shall be known as "Skimmed Cheese"; provided, this section shall not apply to "Edam," "Brickstein," "Pineapple," "Limberger," "Swiss," or handmade cheese not made by the ordinary Cheddar process.

Sec. 7. Each square or roll of butter represented to contain one pound in weight shall contain full 16 ounces; or if represented to contain two pounds it shall contain full 32 ounces.

Sec. 8. Every manufacturer of cheese shall apply to the Dairy and Food Commissioner for a stencil, giving number of factory, quality or grade of cheese, the name of the manufacturer and the county in which the same is manufactured; and each box of cheese shall bear the impression from said stencil.

Sec. 9. A charge of \$1 for each stencil or plate furnished by the Dairy and Food Commissioner shall be made upon each application therefor.

Sec. 10. The Dairy and Food Commissioner shall seize any article of food, drink or fertilizer kept or sold in violation of this act until such time as such article may be analyzed; if the same be found unfit for food the Commissioner shall cause the same to be destroyed. If any article be found adulterated or labeled in violation of this act, not being unwholesome or unfit for food, the commissioner shall brand each package thereof with its true character and return same to the person from whom taken. It is unlawful for a person to remove or deface or cancel or conceal any brand or label placed by the Dairy and Food Commissioner under this section, or to sell or offer for sale any article so marked or labeled without exhibiting such mark or label to the view of the public.

Sec. 11. The Dairy and Food Commissioner shall keep a correct list of the name and location of every person engaged in selling milk or cream in cities of 10,000 inhabitants or more, and shall number the same, and every person so engaged shall notify the commissioner of any change of management or of location in his or their dairy or creamery; and

any person so engaged shall on the first day of each year apply to the commissioner for a metal plate, giving the name and location of the dairy or creamery of such person, which plate shall be placed in a conspicuous place on each delivery wagon owned or operated in the sale of milk or cream.

Sec. 12. Provides for the caring of cows and regulations to be observed by keepers of stables in which such cows are kept; also provides that the dairy and food commissioner shall notify the proprietor of any dairy if the same is found to be in a filthy or unhealthful condition that same must be put in a healthful condition within three days; any default in putting the same in said condition after said notice renders the proprietor guilty of a misdemeanor.

Sec. 13. The use of borax, boracic acid or salicylic acids or injurious antiseptics in the manufacture of butter for sale, or milk or cream offered for sale is prohibited.

VINEGAR.

Sec. 14. The sale of acid, malt, or distilled vinegar colored to resemble apple cider vinegar is prohibited.

SPICES.

Sec. 15. Spices and fluid extracts sold, if not pure, shall be labeled "Adulterated," with the percentage of adulteration.

JELLIES, ETC.

Sec. 16. Jellies, jams and fruit sauces containing any other ingredient than pure fruit substances and juices shall bear but one label, which label shall truly state the percentage of the various substances contained therein, in type of equal size with any on said label.

OLEOMARGARINE.

Sec. 17. Every person who sells oleomargarine or imitation butter or imitation dairy product shall record each sale at the time thereof in a book. Said book shall state the amount sold and the name and address of the purchaser, and be open to the inspection of the Dairy and Food Commissioner or his deputy at all times.

Sec. 18. Every railroad company or other transportation company upon application of the Dairy and Food Commissioner or his agent shall give the name and address of any shipper or consignee of any supposed diseased or unwholesome meats or foods of any kind.

Sec. 19. Every manufacturer of butter or cheese in quantities exceeding 25 pounds per week for sale shall report to the Dairy and Food Commissioner annually as follows: (1) Name and address of the manufacturer; (2) name and address of owner of cows; (3) number of pounds of milk purchased; (4) total

number of pounds of milk used in the manufacture of butter and the number of pounds used in making cheese; (5) number of pounds of butter and cheese made; (6) number of pounds of butter and cheese sold. Provided the amount of butter and cheese made by any such person shall not be published if the maker requests that it shall not be done.

Sec. 20. Everything sold as a commercial fertilizer shall have attached a label containing a certificate of analysis made by a competent chemist from a fair and true sample of the substance to which such label is attached. The term "commercial fertilizer" as used in this act shall be taken to mean any and every substance imported, manufactured, prepared or sold for fertilizer or manurial purposes, except barnyard manure, lime, marl, wood ashes or plaster.

Sec. 21. The chemist of the State Agriculture College shall make analyses as required by the Dairy and Food Commissioner, and the certificate of said chemist duly signed shall be *prima facie* evidence in all courts of justice; provided, that the testing of milk and cream shall be done by the Dairy and Food Commissioner, and his certificate thereof shall be *prima facie* evidence in courts of justice.

Sec. 22. The Commissioner and experts, chemists or agents shall have access, ingress and egress to all places of business, factories, farm buildings, carriages, cars, vessels or utensils used in the manufacture, production or sale of any food, medicine or fertilizer, and they shall have power and authority to open any package, case or vessel containing such articles; and any manufacturer, dealer, hotel or restaurant keeper shall deliver to the Commissioner or his deputy samples of articles aforesaid upon a tender of the price thereof in money.

Sec. 23. Cheese offered for sale at retail shall bear a label containing letters not less than one-half inch in height, setting forth whether such cheese is "Full Cream," "Half Cream," "Quarter Cream" or "Skimmed," according to the percentage of butter fat therein contained, as provided in section 6. This section shall not apply to Edam, Brickstein, Pineapple, Limberger, Swiss or handmade cheese not made by the Cheddar process.

Sec. 24. It is unlawful for any person to use the box, brand or label of any creamery or dairyman without the consent of the owner; it is unlawful to falsely label any article containing same; it is unlawful to sell or have in possession any article of food, drink or medicine bearing any false label or brand.

Sec. 26. It is a misdemeanor to violate this act, and upon conviction punishable by a fine

of not less than \$25 nor more than \$100, or imprisonment in the county jail not less than 30 days nor more than 6 months. Justice courts shall have concurrent jurisdiction in all cases arising under this act.

Sec. 27. Provides for the collection, maintenance and utility of the "Pure Food Fund."

Sec. 28. Milk drawn from cows 15 days next before or 5 days next after parturition, or from cows fed unwholesome food; or any calf

that has been slaughtered under the age of four weeks, shall be deemed and declared unclean, impure and unwholesome.

Sec. 29. Repeals the act approved February 16th, 1899, entitled "An act to prevent the production and sale of unwholesome foods and medicines, and to regulate the sale of adulterated foods, drinks, medicines and fertilizers."

Sec. 30. Provides an emergency clause.

DECISIONS OF THE SUPREME COURT OF OREGON ON FOOD LAWS.

OLEOMARGARINE. An act which prohibits the sale of oleomargarine without having it stamped is valid. State vs. Dunbar, 13 Or. 591.

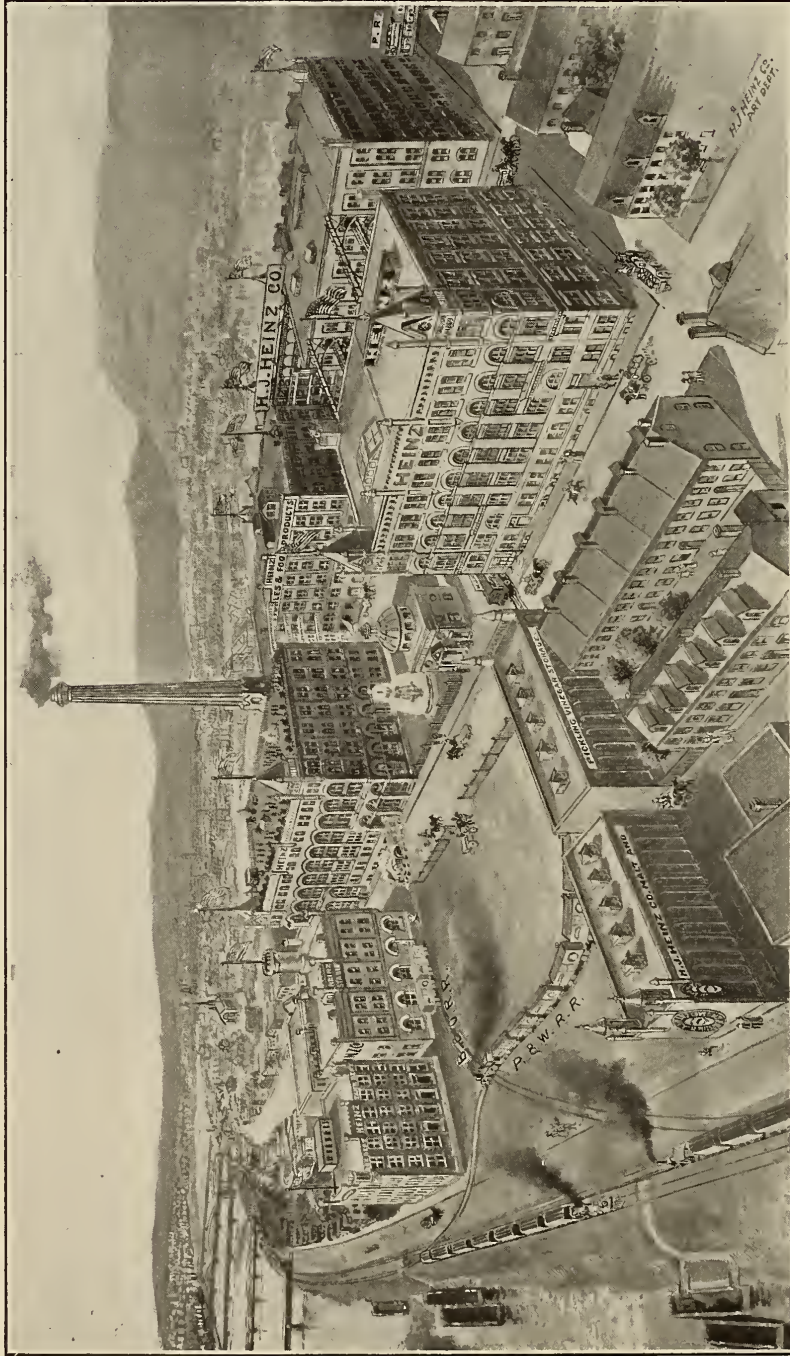
OLEOMARGARINE. An intent to sell, in the

absence of rebutting evidence, may be inferred from the fact of exposing oleomargarine not labeled as such upon shelves or counters with other pure butter. State vs. Dunbar, 13 Oregon 591.



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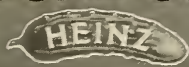
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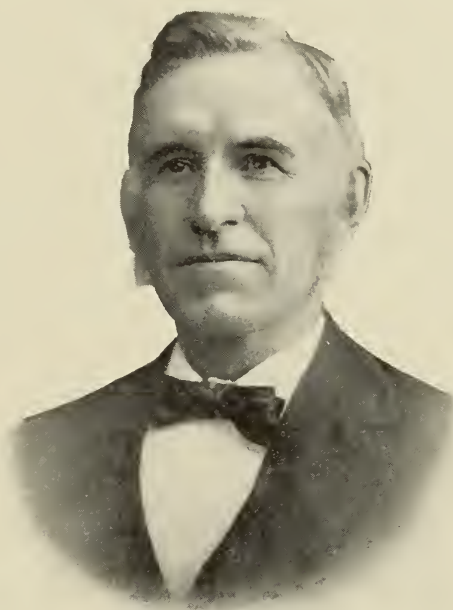
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HON. JOHN HAMILTON,
Pennsylvania Secretary of Agriculture.



JESSE K. COPE,
Pennsylvania Dairy and Food Commissioner.



GEO. G. HUTCHINSON,
Chief Clerk Pennsylvania Dairy and Food
Commission.

PENNSYLVANIA DAIRY AND FOOD COMMISSION.

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OVER FIFTY YEARS IN THE BUSINESS OF PREPARING
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Preserved Fruits, Jams, Jellies, Fruit Butters, Mince Meat,
Crushed Fruits, Fruit Juices, Fruit Syrup,
Tomato Catsup, Salad Dressing, Salad Oil,
Boston Baked Beans in Tomato Sauce,
Concentrated Soups, German American Finished Soups,
Canned Fruits and Vegetables, Honey, Mustard.

EVERY PACKAGE GUARANTEED

PURE FOOD LAWS OF PENNSYLVANIA.

In the State of Pennsylvania the Dairy and Food Division is a part of the Department of Agriculture. The Department of Agriculture is administered by the Secretary of Agriculture, who receives his appointment from the governor for a four-year term.

There shall be a Deputy Secretary appointed by the governor for four years. The governor may also appoint an Economic Zoologist, and a Dairy and Food Commissioner.

The said Dairy and Food Commissioner is charged with the enforcement of all laws enacted or that may be enacted in relation to the adulteration or imitation of dairy and food products. He is authorized and empowered to appoint and fix the compensation of such assistants, agents, experts, chemists, detectives and counsel as may be deemed by him necessary for the proper discharge of the duties of his office, and for the discovery and prosecution of violations of the laws.

The staff of the Dairy and Food Division is as follows:

John Hamilton, Secretary of Agriculture.

Jesse K. Cope, Dairy and Food Commissioner, West Chester.

George G. Hutchinson, Chief Clerk, Warrior's Mark.

Mary E. Seaman, stenographer, Harrisburg.

Ross R. Seaman, messenger, Harrisburg.

THE FOLLOWING ARE THE ATTACHES OF THE DIVISION AGENTS:

John M. Sparks, 1513 Brown st., Phila.

P. H. Shields, 709 So. Sixth st., Phila.

John M. Hale, Jenkintown.

Robert M. Simmers, Phoenixville.

H. L. Banzhoff, Philadelphia.

John R. Lehman, Warrior's Mark.

Daniel Monroe, Coudersport.

James Terry, Home Hotel, Pittsburg.

E. D. Miller, Home Hotel, Pittsburg.

G. H. Wilcox, Home Hotel, Pittsburg.

F. M. Powell, 5505 Walnut st., Pittsburg.

H. M. Cutshall, Meadville.

George F. Yates, Warren.

A. D. Gould, Eldred.

James McGregor, Indiana.

Stanley J. Stevens, 1320 Marion st., Scranton.

James Foust, Altoona.

Ambrose Little, 1443 N. 19th st., Phila.

ATTORNEYS.

S. J. M. McCarrell, Calder Bldg., Harrisburg.

Charles E. Bartlett, S. E. Cor. Broad and Chestnut sts., Phila.

Charles L. Brown, West End Bldg., Phila.

Thos. C. Hare, Altoona.

T. Carlisle Moore, Bakwell Building, Pittsburg.

CHEMISTS.

Dr. F. T. Aschman, 305 McCance Block, Pittsburg.

Dr. Wm. Frear, State College.

Prof. C. D. Cochran, 514 S. High st., West Chester.

Prof. F. A. Genth, Jr., 103 N. Front st., Phila.

Prof. A. H. Welles, 6335 Quincy ave., Scranton.

PART I.

RULINGS ON "THE PURE FOOD LAW" OF JUNE 26, 1895.

1.—All foods manufactured, sold, offered or exposed for sale are held to be represented as pure, unless accompanied by adequate notice to the contrary, in which case they must be distinctly labeled as "mixtures" or "compounds," or as "artificial" preparations.

2.—Food sold as pure must be true to name, of standard strength, quality and purity, and not a compound, mixture or an artificial preparation or imitation.

3.—Where no standard of strength, quality or purity is fixed by law, the standard required shall be that adopted by the highest recognized authorities, such as the United States Pharmacopoeia, or the Association of Official Agricultural Chemists.

4.—No food shall have added to it any substance or ingredient "which is poisonous or injurious to health."

5.—No fraudulent or worthless article having little or no food value, shall be mixed with standard goods or substituted for them, and be sold as food under the label "compound" or "mixture"; but all foods sold under this designation must be composed of substances recognized as "ordinary articles or ingredients of articles of food."

6.—The question of the admissability of a non-poisonous or harmless foreign substance in a food, may depend upon whether the substance introduced is necessary in order to improve the value or quality of the food, or is fraudulently added as a diluent and cheapener.

7.—No food shall be sold under the name of a substance of which it contains none or only an inconsiderable quantity, and when a name

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Fresh and undisguised by seasoning

TWENTY VARIETIES TO CHOOSE FROM

Cream of Peas
Tomato-Okra
Vegetable
Consomme
Tomato
Snapper
Queen
Ox-Tail
Chicken
Beef



Chicken Gumbo Okra
Mutton Broth
Pepper Pot
Julienne
Mock Turtle
Mullagatawny
Bisque of Tomato
Bisque of Oyster
Cream of Celery
Clam Chowder

OTHER SPECIALTIES:

Preserved Fruits, Jams, Jellies, Apple Butter, Pie Filling, Mince Meat,
Tomato Catsup, Boston Baked Beans, Salad Dressing,
Fruit Syrups, Honey, Mustard.

The American Preserve Co.

Philadelphia, Pa., U. S. A.

is "coined" therefor such name shall not be suggestive of any substance not contained therein.

8.—Foods manufactured in Pennsylvania, except where exempt by statute from such requirement, should, for the purpose of identification, be labeled with the name and address of the person or firm manufacturing them. Foods not so marked are regarded with suspicion.

9.—Artificial preparations or imitations shall not be labeled "extracts," as "artificial vanilla extract," etc.

10.—Where such words as "compound," "mixture," "artificially colored," etc., are required upon a label, they shall be in conspicuous places and be printed in bold, clean-faced type in letters as large and conspicuous as any upon the package, and the same designation, both as to substance, size and conspicuousness, shall be printed upon the carton.

11.—The use, in food, of a moderate quantity of coloring matter that is not poisonous or injurious to health, is not prohibited, provided the goods are otherwise pure and of standard quality; except in the case of oleomargarine, milk, cream and distilled vinegar, in which the use of certain colors is prohibited by statute; but if used in foods below the established standard of strength and quality, the words "trificially colored" and "compound" or "mixture" must be printed upon the label.

12.—Articles of food that can be prepared by the use of improved processes, so as to preserve them from decay or change, shall have no preservative added, other than salt, syrup, sugar, saltpetre, spice, vinegar or wood smoke.

13.—When an "extract" is below standard, and yet contains a sufficient quantity of the substance after which it is named to entitle it to be labeled as a "compound" or "mixture," the percentage of its distinguishing ingredient or ingredients should be stated on its label.

14.—Dry mustard must be pure. A preparation of mustard, vinegar and spices may be sold if labeled "prepared mustard." Mustard may also be sold when mixed with vinegar, spices and sufficient starch to secure a mild flavor, if labeled "prepared mustard, compound."

15.—Mixtures of a spice with one or more of its valuable by-products, as pepper with pepper hulls, or pure cloves with cloves from which part of the essential oil has been removed, must be labeled "compound" or "mixture." Spice by-products, themselves possessed of spice value, must be sold under their own, distinctive names. Spice preparations with which any foreign material has been mixed shall not be sold as "compounds" or "mixtures."

16.—Coffee mixed with chicory, wheat, rye, peas, etc., cannot be sold as "coffee compound."

—Decision of Attorney General, January 29, 1896. Packages containing such articles may be sold if they have the name of the adulterant plainly printed on the label.

17.—Candy and confections must be free from inert mineral matter, and not colored with substances poisonous or injurious to health.

18.—The distinctive character of a Baking Powder should be stated on the label, as Cream of Tartar, Alum, Acid Phosphate, etc.

19.—Tin on cans in which food is preserved, and the portion of the metal tops of glass jars which is in contact with food contents, should not contain more than two per centum of lead.

NOTE.—Under the statute a dealer is liable for selling an adulterated article, although he may have no knowledge that the same is adulterated.

A guarantee of purity received from the manufacturer or jobber does not relieve a person handling adulterated goods from liability.

PART II.

ABSTRACT OF STATUTORY REQUIREMENTS RELATING TO CHEESE; DAIRY PRODUCTS IN CHARITABLE OR PENAL INSTITUTIONS; EVAPORATED APPLES AND APPLE PRODUCTS; FRUIT JUICE; LARD; MILK AND CREAM; OLEOMARGARINE; PURE FOOD; RENOVATED BUTTER; VINEGAR. AS PUBLISHED BY DEPARTMENT OF AGRICULTURE.

CHEESE.

Act of 23d of June, A. D. 1897.

Amended 2d of May, A. D. 1901.

1.—Must be the legitimate product of pure, unadulterated milk or cream.—Sec. 1, Act 1897.

2.—No foreign fats or substances can be introduced.—Sec. 1; Act '97.

3.—Must be branded: Full Cream; Three-fourths Cream; One-half Cream; One-fourth Cream; Skimmed Cheese, together with the manufacturer's name and address.—Sec. 2; Act 1897.

Where cheese is manufactured outside of the state, a brand, giving the grade, together with the name and address of the dealer, is sufficient.—Decision of Attorney General Oct. 27, 1897.

4.—Percentage of butter fat required.—Sec. 2; Act 1897:

Full cream, 32 per cent.

Three-fourths cream, 24 per cent.

One-half cream, 16 per cent.

One-fourth cream, 8 per cent.

Skimmed cheese, less than 8 per cent.

Cruikshank Brothers Company

PITTSBURG, PA.

U. S. A.

Preserves, Jellies,

Fruit Butters

Delicious Sweet Pickles

Ketchup

Mustard, Vinegar

BEAR THIS "GUARANTEE"

ON EVERY PACKAGE

"WE GUARANTEE the goods contained in this package to be absolutely pure, made from fresh Fruit and granulated sugar, the quality is of the 'Highest Grade.' We will forfeit \$100.00 for any adulteration found in these goods."

5.—Full cream cheese shipped out of the state need not be branded.—Amendment May 2, 1901.

6.—“Fancy” cheese, under five pounds in weight, and cottage and pot cheese, are not included in the provisions of this law.—Sec. 3, Act '97.

7. NOTE.—Manufacturers or dealers in cheese violating any of the requirements of the pure food law of June 26, 1895, can also be arrested and punished under its provisions.

DAIRY PRODUCTS IN CHARITABLE AND PENAL INSTITUTIONS.

Act May 23, A. D. 1893.

1.—It is unlawful for any charitable or penal institution to use or furnish to its inmates any article, designed to take the place of butter or cheese derived wholly from pure unadulterated milk or cream.—Sec. 1.

Persons selling substitutes for butter or cheese, not made from pure unadulterated milk or cream, are also liable to prosecution for every such offense.—Sec. 2.

EVAPORATED APPLES AND APPLE PRODUCTS.

Act of July 5, A. D. 1895.

1.—The adulteration of “apple vinegar,” “jellies,” “cider,” “evaporated apples” and “other apple products” is prohibited.—Sec. 1.

2. NOTE.—Persons violating the requirements of this law can also be prosecuted under the provisions of the pure food law of June 26, 1895.

FRUIT JUICE.

Act May 2, A. D. 1901.

1.—No “deleterious” or “poisonous acid” or other “unwholesome, deleterious or poisonous substance” can be sold or given away as a substitute for the pure, unadulterated and unfermented juice of lemons, limes, oranges, currants, grapes, apples, peaches, plums, pears, berries, quinces, or other natural fruits, under the representation that such preparation is the pure, unadulterated and unfermented juice of any such fruits.—Sec. 1.

2.—No one shall knowingly use any such compound in the mixing, decoction of, or preparation of, food or drink, or any such compound or preparation in the place of, or as a substitute for, the pure unadulterated and unfermented juice of one or more such fruits.—Sec. 1.

LARD.

Act June 8, A. D. 1891.

1.—Lard sold as such must be the pure fat of swine.

2.—Lard not wholly derived from the fat of swine must be sold in packages or wrappers on which is plainly marked on the outside in letters not less than one-half inch in length, the words “Compound Lard.”

3. NOTE.—Action can also be brought against persons who sell impure or adulterated lard, under the pure food act of June 26, 1895.

MILK AND CREAM.

Act of 19th April, A. D. 1901.

1.—The addition of coloring matter or preservatives, to milk or cream, is prohibited.—Sec. 1.

2. NOTE.—Action can also be brought against persons who sell impure or adulterated milk, under the pure food law of June 26, 1895.

OLEOMARGARINE.

Act of 29th May, A. D. 1901.

1.—Oleomargarine is any substance “made wholly or partly out of any fats, oils or oleaginous substance or compound thereof not produced from pure unadulterated milk or cream from the same, without the admixture or addition of, any fat foreign to the said milk or cream.”—Sec. 1.

2.—Oleomargarine “shall be made and kept free from all coloration or ingredients causing it to look like yellow butter.”—Sec. 1.

3.—All persons “desiring to manufacture, sell or offer or expose for sale, or have in possession with intent to sell, oleomargarine not made or colored in imitation of yellow butter, must first procure a license so to do, from the Dairy and Food Commissioner.”—Sec. 2.

4.—All licenses expire December 31st of each year. Licenses may be granted for a portion of a year upon payment of a proportionate part of the annual fee.—Sec. 2.

5.—License fee for twelve months for a

Manufacturer	\$1,000
Wholesale dealer	500
Retail dealer	100
Restaurant, dining-room or hotel proprietor	50
Boarding house keeper...	10

—Sec. 2.

6.—Wholesale dealers are all persons who shall buy to sell again and make sales in quantities of ten pounds and over.—Sec. 2.

7.—Retail dealers are all persons who sell in quantities of less than ten pounds.—Sec. 2.

8.—License is granted for a specified location only, but may be transferred to another individual proposing to engage in business in the same place on application to the Dairy and Food Commissioner.—Sec. 2.

9.—The license must be exhibited in a conspicuous place, on the walls of the room or store in which the business is conducted.—Sec. 3.

10.—Every person, firm or corporation, before beginning business under this law, shall procure from the Dairy and Food Commissioner a sign or signs clearly setting forth that he, she or they are engaged in the manufacture or

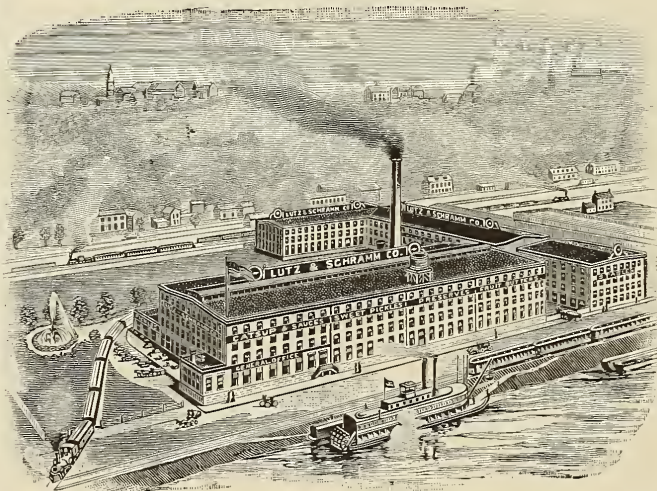
THE "DIAMOND BRAND" ON OUR GOODS



LUTZ & SCHRAMM CO.



GOOD
TO
EAT



Pure
and
Whole-
some



Factory and General Offices:
ALLEGHENY, PA.



BAKED BEANS WITH TOMATO SAUCE

sale of oleomargarine; which said sign or signs shall be hung up in a conspicuous place or places on the walls of every room or store in which oleomargarine is manufactured or sold.—Sec. 3.

11.—Every proprietor of a hotel, restaurant, dining room or boarding house, shall, in addition, have conspicuously placed upon every counter or table, at which food, meals, or refreshments, are served to customers, a placard, plainly printed in letters not less than one-half inch in length, stating that oleomargarine is used and served to customers.—Sec. 3.

12.—Every tub, package or parcel containing oleomargarine shall be distinguished on the outside, in a conspicuous place, by a placard with the word "OLEOMARGARINE" printed thereon; the letters to be not less than one inch long and the placard shall not contain any other words thereon.—Sec. 4.

13.—Upon every open tub, package or parcel containing oleomargarine there shall be displayed, in a conspicuous position, a placard with the word "OLEOMARGARINE" printed thereon in letters not less than one inch long; and when oleomargarine is sold from such tub or package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the word "OLEOMARGARINE" printed or stamped thereon in letters one-fourth inch square. The wrapper shall also contain the name and address of the seller and the quantity sold, and no other words thereon, and the said word "OLEOMARGARINE," so stamped or printed on said wrapper, shall not be in any manner concealed.—Sec. 4.

14.—Manufacturers and wholesale dealers in oleomargarine shall keep a book in which every sale and shipment of oleomargarine shall be entered, giving the date of sale and shipment, the quantity, the person to whom sold and shipped, the place to which shipped and the name of the transportation line by which shipped, which book shall be in such form as the Dairy and Food Commissioner shall direct and shall be open to examination by the Dairy and Food Commissioner, his agents, attorneys and representatives.—Sec. 5.

15.—Retail dealers in oleomargarine shall also keep a book, which shall be open to examination by the Dairy and Food Commissioner, his agents, attorneys and representatives, in which shall be entered the date of the receipt of all purchases of oleomargarine by him, stating therein where, when and from whom purchased, and the quantity; said book to be in such form as the Dairy and Food Commissioner shall direct.—Sec. 5.

PURE FOOD LAW.

Act of June 26, A. D. 1895.

1.—The manufacture, sale, offering for sale or selling adulterated food is prohibited.—Sec. 1.

2.—The term "food" as used in this act "shall include all articles used for food or drink by man, whether simple, mixed or compound.—Sec. 2.

3.—An article shall be deemed to be adulterated within the meaning of this act—

(a) IN THE CASE OF FOOD:

(1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity.

(2) If any inferior or cheaper substance or substances have been substituted, wholly or in part, for it.

(3) If any valuable or necessary constituent or ingredient has been, wholly or in part, abstracted from it.

(4) If it is an imitation of, or is sold under the name of, another article.

(5) If it consists, wholly or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or in case of milk, if it is the product of a diseased animal.

(6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

(7) If it contains any added substance or ingredient which is poisonous or injurious to health: Provided, That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles, or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, and are not injurious to health.—Sec. 3.

RENOVATED BUTTER.

Act 10th of July, A. D. 1901.

1.—"Taking original packing stock and other butter and melting the same so that the butter oil can be drawn off, mixed with milk or skimmed milk or other material, and by emulsion, or other process, produce butter, and butter produced by any similar process and commonly known as boiled or process butter," shall be known and designated as "Renovated Butter."—Sec. 1.

2.—Persons desiring to engage in the business of manufacturing or selling renovated butter are required to take out a license, to be issued by the Dairy and Food Commissioner.—Sec. 2.

3.—All licenses expire December 31st of each year. Licenses may be issued for a portion of a year upon payment of a proportionate part of

Perfection Jar Closure Co.

SUCCESSORS TO

Wiseman & Wallace and Philadelphia Rock Candy Co.

MANUFACTURERS OF

Patent Closures and Packers

ALSO DEALERS IN

Syrup, Molasses, Glucose, Honey and Sugar

MANUFACTURERS OF

...Rock Candy Syrup...

OFFICE AND FACTORY, 514-16-18 BEACH STREET
PHILADELPHIA

PATENTED CLOSURES.

These Closures are used by the largest manufacturers in the United States, to make tight joints on screw-top jars and bottles; also on tumblers without screw-tops.

Syrups, Molasses and Honey

OWNERS OF "W. & W." JAR BRANDS

Viz: JOCKEY CLUB
RICHFIELD
GOLD MEDAL
PORTO RICO
HONEY

ONLY MANUFACTURERS
OF "NEW PROCESS REFINED GLUCOSE."

Suitable for Bakers, Preservers and Confectioners; all the objectionable flavors of the Old Process Glucose being removed.

the license fee.—Sec. 2.

4.—The license fee for twelve months is for a

Manufacturer	\$1,000
Wholesale dealer	500
Retail dealer	100
Restaurant, dining-room or hotel proprietor.....	50
Boarding house keeper ..	10

—Sec. 2.

5.—Wholesale dealers are all persons who sell in packages of ten (10) pounds or over.—Sec. 2.

6.—Retail dealers are all persons who sell in quantities of less than ten (10) pounds.—Sec. 2.

7.—Hotel and dining room proprietors and restaurant and boarding house keepers are regarded as dealers.—Sec. 2.

8.—The license is for a specified location and must be exposed to view in a conspicuous place.—Sec. 2.

9.—Renovated butter cannot be sold from wagons on the streets or from house to house.—Sec. 3.

10.—A sign or signs must be displayed, setting forth that Renovated Butter is manufactured or sold and posted in a conspicuous place.—Sec. 4.

11.—A placard also must be placed in a conspicuous place on every counter or table where meals are served to customers, by every restaurant or boarding house keeper or hotel or dining room proprietor, stating that "Renovated Butter" is used or served to customers.—Sec. 4.

12.—A stencil to be furnished by the Dairy and Food Commissioner, to every manufacturer and wholesale dealer in renovated butter, giving the number of the license and the name and address of the holder thereof, shall be used in stamping every package before being sold by the manufacturer or wholesale dealer to the retailer.—Sec. 4.

13.—Every tub, package or parcel containing renovated butter shall be distinguished on the outside, in a conspicuous place, by a placard with the words "Renovated Butter" in letters not less than one-half inch long, and the placard shall not contain any other words, printing or device thereon.—Sec. 5.

14.—Upon every open tub or package shall also be displayed a sign or placard, with the words "Renovated Butter" printed thereon in letters not less than one-half inch long, and when renovated butter is sold from such package, before being delivered to the purchaser, it shall be wrapped in a wrapper plainly stamped on the outside thereof with the words "Renovated Butter" in letters one-fourth inch square, and the wrapper shall contain no other words

or printing thereon, and the words shall be kept in plain view.—Sec. 5.

15.—Manufacturers and wholesale dealers in renovated butter shall keep a book in which every sale and shipment shall be entered, giving the quantity and person to whom sold and shipped, the place to which shipped and the name of the transportation line by which shipped, which book shall be open to examination by the Dairy and Food Commissioner, his agents, attorneys and representatives.—Sec. 6.

16.—Retail dealers also shall keep a book, which shall be open to the inspection of the Dairy and Food Commissioner, or his agents, in which shall be entered the date of the receipt of all purchases of renovated butter made by him, and stating where, and from whom purchased, and the quantity.—Sec. 6.

VINEGAR.

Act of June 18, A. D. 1897.

Amended May 21, A. D. 1901.

1.—Vinegar sold as "apple" or "cider" vinegar must be the legitimate product of pure apple juice. No foreign substance, drugs or acids can be introduced.—Sec. 1; Act 21st May, 1901.

2.—Vinegar branded "Fruit Vinegar" must be made wholly from grapes, apples or other fruits.—Sec. 1; Act 21st May, 1901.

3.—Vinegar made by "fermentation" or "oxidation" not distilled shall be branded "fermented vinegar," with the name of the fruit or substance from which it is made.—Sec. 2; Act 21st of May, 1901.

4.—Vinegar made wholly or in part from distilled liquor must be branded "distilled vinegar."—Sec. 2; Act 21st of May, 1901.

5.—Distilled vinegar must be free from coloring matter and must contain not less than four per centum, by weight, of absolute acetic acid.—Sec. 2; Act 21st of May, 1901.

6.—All vinegar must be made from the fruit or grain from which it is represented to be made and shall contain no foreign substance, except an amount of spice necessary for flavoring, provided the spices do not color the vinegar.—Sec. 2; Act 21st of May, 1901.

PART III.

FOOD DEFINITIONS AND STANDARDS.

MEAT.

1.—Meat is the dressed and properly prepared edible parts of animals, in good health at the time of slaughter, and of the kind designated.

2.—Refrigeration is the only method of preservation allowable for fresh meats.

3.—Canned meats shall contain no preservative other than salt, sugar and salt-petre, except smoked meat, which contains the products

Philadelphia Pickling Company

MANUFACTURERS OF

PURE FOOD PRODUCTS

SUCH AS

Worcestershire Sauces, Dill Pickles, Sweet Pickles, Olives and Capers of all grades and sizes, Relishes and Catsups. Grinders of German and French Mustards, Mustard Sauces, Chow Chow Dressings, Curry Powders and all kinds of Seeds, Herbs and Spices.

SPECIAL INDUCEMENTS offered in carload lots

OFFICE AND SALESROOMS:

262 and 264 South Second Street, PHILADELPHIA, PA.

FACTORIES:

251 and 253 SOUTH AMERICAN STREET
PHILADELPHIA,
PA.

CATSUP, KRAUT AND PICKLE FACTORIES
SALEM, NEW JERSEY
ELDORA, NEW JERSEY

ATMORE'S

MINCE MEAT

AND

PLUM PUDDING

Are made of strictly clean and pure materials. Are preserved with liquor, sugar and spices only. *No chemicals.* Therefore they conform to all Pure Food Laws

ATMORE & SON

PHILADELPHIA, PA.

added by the process of smoking.

4.—Pickled and salted meats shall contain no preservatives other than salt, sugar, salt-petre, vinegar, spices or other condiments.

5.—Sausage must be prepared from meat of the quality above indicated, and must contain no preservatives other than sugar, salt, salt-petre, smoke and condiments; artificial color must not be introduced without notice of the fact.

6.—Meat extracts must be true to name. No antiseptic, other than salt, may be used.

MILK AND BUTTER.

1.—Milk is the normal secretion, taken by complete milking from the udder of a healthy cow, properly fed and kept. Colostral milk is excluded.

2.—Cream shall contain not less than 15 per centum of butter fat.

3.—Skim milk, except in cities for which a different standard has been established by law, shall contain not less than 8.5 per centum of total solids not fat, and shall be free from all kinds of additions.

4.—Buttermilk. The acid fluid of milk or cream left after the removal of the butter fat by churning. It must be free from preservatives other than the salt employed in the manufacture of butter.

5.—Condensed milk shall be prepared from pure and wholesome normal milk, by removal of water by evaporation; sugar may be added, but no other substances.

6.—Butter must contain not less than 83 per centum of butter fat.

FRUIT PREPARATIONS.

1.—Fruit butter must be prepared wholly from the designated fruit without addition of any substance other than cider, glucose or cane sugar and spices.

2.—Fruit preserves, jams, marmalades and jellies must be prepared from the designated fruits and cane sugar, with or without the addition of glucose, but without the addition of any other substance.

3.—Fruit juice, fresh, is the juice, or pulp, or both, of fresh, sound fruit of the variety specified on the label, without addition of any other substance.

4.—Fruit juice, sweet, is fresh fruit juice to which sugar or glucose has been added.

SACCHARINE PRODUCTS.

1.—Molasses is that part of the cane juice, or sugar solution, that is left upon the removal of part of the sugar. It must contain no added substance.

2.—Syrup is the purified or evaporated juice of the cane or maple sap, insufficiently evaporated to cause crystallization of the sugar. It must contain no added substance.

3.—Glucose is the solid, sweet, purified substance obtained by the action of acid on starch. It must be free from intermediate products.

4.—Glucose syrup is syrup obtained by the action of acid on starch.

5.—Honey is the nectar of flowers and saccharine exudations of plants, gathered by bees. Honey made by feeding bees sugar, glucose, syrup or other saccharine substances is not considered pure honey. The mixing of sugar, syrup, glucose or other similar substance with honey is considered an adulteration.

SPICE AND CONDIMENTS.

1.—Allspice or pimento is the dried fruit of *Pimenta officinalis*.

2.—Black pepper is the dried, immature berry of *Piper nigrum*. Pepper shells, pepper dust and other by-products from pepper are adulterants.

3.—White pepper is the dried mature berry of *Piper nigrum*, from which the outer, or the outer and inner coatings have been removed.

4.—Cayenne pepper, red pepper, is the dried fruit of *Capsicum fastigiatum*, *C. frutescens*, *C. baccatum* or other small-fruited species of *Capsicum*.

5.—Cinnamon is the dried bark of any species of the genus *Cinnamomum*, from which the outer layers may or may not have been removed.

6.—Ground cinnamon or ground cassia: A powder consisting of cinnamon, cassia buds or a mixture thereof.

7.—Cloves are the dried flower buds of *Jambosa caryophyllus*; should contain no more than 5 per cent of clove stems.

8.—Ginger is the washed and dried or decorated and dried rhizome of *Zingiber officinale*. Ground ginger shall not contain any added substance, but whole ginger coated with carbonate of lime may be sold as limed or bleached ginger.

9.—Horseradish, the root of *Cochlearia armoracia*; the grated or ground horseradish may be mixed with vinegar, but with no other foreign material.

10.—Mace is the dried arillus of *Myristica fragrans*: Macassar or Papua mace the dried arillus of *M. argeneta*, should be sold under its own name; Bombay mace, *M. Malabarica*, has no spice value and is therefore an adulterant.

11.—Mustard seed, the seeds of *Sinapis alba* (white mustard). *Brassica nigra* (black or brown mustard). *S. juncea* (sarepta mustard).

12.—Mustard: Ground, is the powdered mustard seed of one or more varieties, with or without the removal of the hulls and a portion of the oil, but without addition of any other substance.

13.—Nutmeg is the dried seed of *Myristica*

fragrants, deprived of its testa; ground nutmegs should contain no added substance; "liming" whole nutmegs is not to be considered an adulteration.

FLAVORING EXTRACTS.

1.—Lemon extract shall contain at least five per centum of the pure oil of lemon dissolved in alcohol.

2.—Vanilla extract is the solution prepared by the maceration of the vanilla bean with alcohol and sugar.

TABLE BEVERAGES.

1.—Tea is the dried leaves of *Thea sinensis* or other species of *Thea*, without addition of the leaves of other plants or of coloring ma-

terials injurious to health, and without having been exhausted by steeping or other means.

2.—Coffee is the fruit of *Coffea arabica*. "Roasted coffee" is coffee that has been subjected to dry heat to develop the aroma.

3.—Chocolate is the ground pulp of the roasted seeds of *Theobroma cacao*, from which none of the fat has been removed.

4.—Cocoa is the ground pulp of the roasted seeds of *Theobroma cacao*, from which a part of the fat has been removed, but to which nothing except the usual flavoring material has been added.

5.—The addition of sugar to either chocolate or cocoa should be indicated on the label.

DECISIONS OF THE SUPREME COURT OF PENNSYLVANIA ON FOOD LAWS.

ADULTERATION is "to corrupt, debase, or make impure by the admixture of baser materials." *Com. vs. Hough*, 1 Pa. Dist. Rep. 51.

IMPURE FOOD AND DRINK. Under the law which makes it criminal to sell impure food or drink, an indictment cannot be had for selling milk to which water is added. *Com. vs. Darlington*, 9 Pa. Dist. R. 700.

It is not a defense that the defendant sold the milk as condensed milk. *Same*.

IMITATION ARTICLES. It is unlawful to sell an article of food which is an imitation of and sold under the name of another article contrary to the statute in such case provided, even though the imitation article is not adulterated nor injurious to health. *Com. vs. Kolb*, 13 Pa. Super. Ct. 347.

CHEESE. Dealers must comply with the statute which requires that all cheese shall be branded with the name and address of the manufacturer and the kind of cheese it is, and that the lettering must be the required size, unless the cheese is not large enough, in which case the writing must be plain and clear. 6 Pa. Dist. Rep. 689.

CHEESE. A dealer in cheese manufactured out of the state may under the Act of 1897 brand the same with his name as dealer and his address and place of business, in view of the impossibility of always ascertaining the manufacturer's name and address. *Cheese Law (Attorney General)*, 20 Pa. Co. Ct. 61.

CHICORY. Coffee adulterated by the addition of chicory, wheat, rye or peas is not an ordinary article of food within the meaning of the statute against the adulteration of food or mixtures of compounds recognized as ordinary articles of

food. *In re Stephens and Wilder*, 5 Pa. Dist. Rep. 104.

LIQUORS. Where liquors are impure or have been adulterated or their value impaired in the least no recovery can be had for the sale of the same. *Clohesy vs. Roedelheim*, 99 Pa. St. 56.

MILK. PROSECUTIONS. Prosecutions for the violation of the Act of 1878 prohibiting adulteration of milk belongs only to the court of Quarter Sessions and a Justice of the Peace has no jurisdiction thereunder. *Com. vs. May*, 2r Penn. Co. Ct. Rep. 546.

SKIMMED MILK. Cans or vessels from which it is sold must be labeled as such in letters not less than one inch long. *Com. vs. Hough*, 1 Pa. Dist. Rep. 51.

WATERED MILK. In a prosecution for selling watered milk unlawfully it is not necessary to show by direct evidence that the defendant watered the milk in order to sustain a conviction. *Com. vs. Darlington*, 9 Pa. Dist. R. 700.

SKIMMED MILK. A person cannot be convicted for selling adulterated food who sells milk plainly marked as skimmed milk, but which has been deprived of its cream by the separator process instead of by the modes of skimming. *Com. vs. Haufnal*, 185 Pa. 376.

OLEOMARGARINE. It is a valid exercise of the police power to prohibit its manufacture or sale. *Powell vs. Com.* 114 Pa. St. 268; *Com. vs. Shirley*, 152 Pa. St. 170.

OLEOMARGARINE. The sale of oleomargarine from a broken package, imported into the state, is a violation of the statute prohibiting the manufacture or sale of oleomargarine. *Com. vs. Paul*, 148 Pa. St. 559.

OLEOMARGARINE. The act of May 5th, 1891

(P. L. 241), regarding oleomargarine is held to be constitutional. *Com. vs. McCann*, 14 Penn. Super. Ct. 221.

OLEOMARGARINE. The act of May 5th, 1899 (P. L. 241), regarding the manufacture and sale of oleomargarine does not contravene the constitution. *Com. vs. Diefendacher*, 14 Penn. Super. Ct. 264.

OLEOMARGARINE. It is held that under the act of 1899 butter may be colored yellow, but oleomargarine may not be so colored; and that the intention of the legislature is to regulate the manufacture and sale of oleomargarine and prohibit the imitation of yellow butter by mixing substances with oleomargarine during or after its manufacture. *Com. vs. Vandyke*, 13 Penn. Super. Ct. 484.

OLEOMARGARINE. The act of 1899 (Pub. Laws 241) is not unconstitutional as abridging the privileges of communities of citizens of the United States. It does not deny to all persons the equal protection of the laws. It does not deprive a person of his property without due process of law. It does not contravene the constitutional right of acquiring and possessing property. *McCann vs. Com.* 198 Penn. 509.

OLEOMARGARINE. FINE. Defendant was charged under two indictments with illegal sales of oleomargarine under the act of May 5th, 1899 (P. L. 241). The first charged an offense committed on June 3rd, 1900; and the second charged an offense committed on July 6th, 1900. Held, that the court could not impose imprisonment under the first indictment and a fine under the second indictment; but that under the law the first offense should be punished by a fine and the second by a fine and imprisonment. *Com. vs. Fink*, 16 Penn. Super. Ct. 191.

OLEOMARGARINE. Where the habitual sale of imitation butter has been admitted, evidence of the good character of the defendant cannot be admitted to create a doubt as to the conceded sale. *Com. vs. Kolb*, 13 Pa. Super. Ct. 347.

OLEOMARGARINE. An agent, without the knowledge of his principal, solicited an order for oleomargarine. The principal shipped the oleomargarine colored in imitation of pure butter in the name of the purchaser, but in care of the agent and without the agent's knowledge that it was so colored in imitation of pure butter. Held, that the agent could not be convicted of selling oleomargarine, since he had no chance to examine

the package and tell whether it was colored or not and had a right to presume that the principal would comply with his order, and had no reason to suspect that he would send adulterated goods. *Com. vs. Richards*, 16 Montg. Co., L. R. 176 (Penn.)

OLEOMARGARINE. RESTAURANT KEEPERS. In order that a restaurant keeper shall become subject to the penalty provided in the Act of 1885 for furnishing oleomargarine to customers with their meals, it is not necessary that a specific price be placed upon the oleomargarine distinct from that charged for the rest of the meal. *Com. Alleghany Co. vs. Hendley*, 7 Pa. Super. Ct. 365.

OLEOMARGARINE. Furnishing oleomargarine as part of a meal ordered by a customer is sufficient to convict a restaurant keeper of the sale of oleomargarine under the act of 1885. *Com. vs. Miller*, 131 Pa. State 118.

OLEOMARGARINE. A grocer in Philadelphia had a license to sell oleomargarine and sent his agents into M. county to take orders. The orders were sent to Philadelphia and accepted and the goods were shipped in care of the agent to the customers, but in the customer's name. The agent took the goods from the railroad and delivered them to the customer. Held, that the defendant could not be convicted of selling oleomargarine in the county without a license and that the sale was made in Philadelphia. *Com. vs. Gardner*, 16 Montg. L. R. 171 (Penn.)

OLEOMARGARINE. Under the act of 1885 it must be shown that the oleomargarine was sold as an article of food. If it was sold for some other purpose, such as wagon grease, it is not a violation of the law. *Com. vs. Schollenberger*, 153 Pa. State, 625; *Com. vs. Callahan*, 1 Pa. Dist. Rep., 437.

RASPBERRY SYRUP. In a prosecution for the sale of a pint of raspberry syrup alleged to contain salicylic acid the court would not admit evidence as to whether the salicylic acid was poisonous or injurious to health, though it was charged to be poisonous and injurious to health, and instructed the jury that if salicylic acid was present in any quantity they might find the defendant guilty. The defendant was found guilty. This was under the law regulating the sale of adulteration of food and drink.

The verdict was sustained, although the court was equally divided. *Com. vs. Kevin*, 1 Penn. Super. Ct. 414.

PURE FOOD LAWS OF RHODE ISLAND.

The Pure Food Laws of the State of Rhode Island are to be found under the head of Public Health Laws, Chapters 68, 138, 146, 147, 148, Sec. 6 of Chapter 98, Sections 4, 5 and 6 of Chapter 151 and Sec. 10 of Chapter 152, Revised Statutes of Rhode Island. The manner of their enforcement, except where the same come within the jurisdiction of two factory inspectors appointed by the governor, is entirely a subject of local regulation. Under these laws municipal boards are granted authority to provide for the inspection of articles of food and for the ingredients that enter into the production thereof. The factory inspectors appointed by the governor are charged with the prosecution of all violations against the chapters designated as above noted.

The present board of health consists of the following members:

Albert G. Sprague, M. D., President.
Samuel M. Gray, C. E.
Alexander B. Briggs, M. D.
Rev. George L. Locke.
John C. Budlong, M. D.
Rufus E. Darrah, M. D.
Gardner T. Swarts, M. D., Secretary.

A DIGEST OF THE LAWS PROVIDING AGAINST ADULTERATION OF FOOD STUFFS IS AS FOLLOWS:

MILK.

Sec. 1. Milk shall be sold by wine measure, to be sealed by the sealer of weights and measures of the town where the person using the same shall reside, or where such milk shall be measured for use. Every person violating this section shall forfeit \$10 for each offense.

Sec. 2. The mayor and aldermen of any city and the town council of any town may annually elect one or more inspectors of milk therein. Every inspector shall give notice of his election by publishing notice thereof for two weeks in some newspaper published in the town or city for which he shall be appointed, or in case no newspaper is published therein, by posting such notice in two of the most public places in such city or town; provided, the mayor and aldermen of the city of Providence shall annually in the month of August elect such inspectors of milk and may fill vacancies.

Sec. 33. Every inspector of milk shall have an office and book for the purpose of recording the names and places of business of persons engaged in the sale of milk within the limits of his town. He may enter any place where milk

is kept for sale or stored and examine all carriages used in the conveyance thereof, and whenever same appears adulterated he shall cause it to be analyzed and preserve the record of such analysis as evidence; a certificate of the result sworn to by the analyst shall be admissible as evidence in prosecutions. The mayor and aldermen shall fix the compensation of the inspectors.

Sec. 4. Whenever the inspectors of milk shall have reason to believe that any adulterated product of food is being sold or kept for sale contrary to law, they shall take at least two specimens as samples thereof, which, if solids, shall not exceed in weight one pound each, or, if liquid, not to exceed in measure one pint each. Samples shall be taken in the presence of the owner or his agent, and be sealed and labeled in the presence of said owner or agent, said labels to state the kind of provision or food and the name of the seller. Said inspector shall then deliver one of said samples to such owner or agent.

Sec. 5. Any milk dealer who shall neglect to cause his name and place of business to be recorded in the inspector's book, and his name to be legibly and conspicuously placed and constantly kept upon all carriages and vessels used in the conveyance of milk or in the sale thereof; and whoever being engaged in the business of selling milk and conveying the same for sale shall neglect to renew such record annually between the first day of February and the first day of March, shall forfeit \$20 for the first offense and \$50 for each subsequent offense. And whoever offers for sale milk produced from cows fed upon refuse of distilleries, or any substance deleterious to the quality of the milk, or milk produced from sick or diseased cows, shall be fined \$20 for the first offense, and \$50 for each subsequent offense; and whoever, in the employment of another, violates this section shall be held equally guilty with the principal.

Sec. 6. Prohibits the sale or exchange of adulterated milk or milk into which water or any foreign substance has been added.

Sec. 7. Every person who shall sell, exchange or deliver milk from which the cream or any part thereof has been removed, or which shall not contain $2\frac{1}{2}$ per cent of milk fat, shall distinctly mark in letters not less than one inch in length in a conspicuous place above the center and upon the outside of each vessel, can or package containing such milk, the words "skimmed milk," and such milk shall only be

sold or retailed out of the can, vessel or package so marked.

Sec. 8. In all prosecutions under sections 6 and 7 of this chapter if the milk shall be shown upon analysis to contain more than 88 per cent of watery fluids, or to contain less than 12 per cent of milk solids, or less than $2\frac{1}{2}$ per cent of milk fat, it shall be deemed adulterated.

Sec. 9. For a violation of sections 6, 7 and 8 the penalty is for the first offense \$20, and for each subsequent offense \$20 and imprisonment in the county jail for 10 days.

Sec. 10. Every inspector of milk shall institute complaints on the information of any person producing satisfactory evidence.

Sec. 11. Every inspector of milk shall cause the provisions of this chapter to be published in his town at least three times in some newspaper published in said town, or some newspaper in the county in which the town is situated.

Sec. 12. Every inspector of milk shall cause the name and place of business of all persons convicted under this chapter to be published in two newspapers published in the town or county where the offense shall have been committed.

Sec. 13. Any chief of police or inspector of milk or special constable as the town council or board of aldermen of any town or city may appoint may make complaints and prosecute for violations within the town or city wherein they are appointed or elected of the provisions of this chapter.

CHAPTER 138.

SALERATUS, SODA AND CREAM OF TARTAR.

Sec. 1. The city council of Providence shall, and the town council of the several towns may, appoint an inspector of saleratus, bicarbonate of soda and cream of tartar for said cities and towns respectively.

Sec. 2. Every inspector shall when requested test any article presented to him for inspection, and give a certificate to any person applying therefor whether said article be impure or adulterated and for every such certificate he shall be entitled to the sum of \$10.

Sec. 3. Every inspector shall when requested make an analysis of any article presented for that purpose, and shall give his certificate to any person applying therefor of the result of such analysis, for which certificate he shall be entitled to the sum of \$10.

Sec. 4. Every person who shall sell saleratus, bicarbonate of soda, or cream of tartar adulterated or impure shall be fined \$20 together with the costs of testing and analyzing such article; one-half of said fine to go to the use of the city or town where the sale is made,

and one-half thereof, together with the costs of testing and analysis of such impure article, shall be paid to the person who shall sue for the same.

CHAPTER 146.

BUTTER, POTATOES, ONIONS, BERRIES, NUTS AND SHELLLED BEANS.

Sec. 1. Every person who shall make or bring into the state any butter firkins or tubs shall brand or mark the same with the weight thereof and with the initial letters of his name, in a plain and durable manner before offering the same for sale.

Sec. 2. Prohibits the sale of butter not branded or marked as aforesaid.

Sec. 3. Every person who shall sell butter before the same shall be branded or marked as herein required or in any firkin or tub which shall weigh more than marked or branded on it, allowing two pounds additional for the brine absorbed by the same, shall forfeit \$5, unless there be a special contract concerning the kind, quantity and quality of the article sold.

Sec. 4. Every person who shall sell any article or substance in semblance of butter not the legitimate product of the dairy and not made exclusively from milk and cream, but into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top and sides of every tub, firkin or box or package of such article or substance the word "Oleomargarine" in letters at least one-half inch in length. In the case of retail sale of such article or substance in parcels the dealer shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word "Oleomargarine," and every sale of such article or substance not so stamped, branded, marked or labeled shall be unlawful; and no action shall be maintained in any of the courts of the state to recover on any contract for sale of any such article or substance not so stamped, branded, marked or labeled.

Sec. 5. Provides a penalty for a violation of this chapter of a fine of \$100 for each offense; one-half thereof to the use of the complainant, and one-half thereof to the use of the state; on the trial of such offense proof of the sale or offer for sale or of exposure for sale shall be evidence of knowledge of the character of the article sold, offered for sale or exposed, and of knowledge that the same was not marked, branded, stamped or labeled as required by this chapter.

Sec. 6. In the sale of potatoes by weight the

same shall be estimated at and after the rate of 60 pounds per bushel.

Sec. 7. In the sale of onions and of all other root crops the same shall be estimated at and after the rate of 50 pounds per bushel.

Sec. 8. Nuts and shelled beans and all kinds of berries whenever sold by measure shall be sold by dry measure. Any person who shall sell nuts or shelled beans or any kind of berries by any measure other than dry measure shall be fined not exceeding \$20, one-half thereof to the use of the town or city in which the offense shall have been committed, and one-half thereof to the complainant.

CHAPTER 148.

VINEGAR.

Sec. 1. No person shall sell, exchange, or have in his possession as cider vinegar any adulterated vinegar, or label, brand or sell as cider vinegar and vinegar not made exclusively from apple cider.

Sec. 2. All vinegars shall be without artificial coloring matter, and shall have an acidity equivalent to the presence of not less than $4\frac{1}{2}$ per cent by weight of absolute acetic acid, and in cases of cider vinegar shall contain in addition not less than 2 per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water: and if any vinegar contains any artificial coloring or less than the amount of acidity, or in the case of vinegar if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed to be an adulteration within the meaning of this chapter.

Sec. 3. Inspectors of milk or such other officers as town councils may appoint shall make complaint for all violations of this chapter, and shall not be required to give security for costs; and for the services required of them shall receive compensation to be fixed by the council; compensation of inspectors of milk to be fixed at a sum not exceeding 25 cents for each barrel, and to be paid by the person having such inspection made.

Sec. 4. Every inspector or other officer appointed as hereinbefore provided may enter any place where vinegar is stored or kept for sale, and examine all carriages used in the conveyance of vinegar; and whenever he has reason to believe any vinegar found by him has been adulterated he shall take specimens thereof for analysis and the result of such analysis shall be preserved as evidence. A certificate of such result sworn to by the analyst shall be admis-

sible in evidence in all prosecutions hereinafter.

Sec. 5. Provides a fine not exceeding \$100 for a violation of the provisions hereof.

CHAPTER 151.

LIQUORS.

Sec. 4. No person shall sell any impure or adulterated spirituous or intoxicating liquors, nor shall any person sell or keep for sale any liquors of quality inferior to what the same are represented to be.

Sec. 5. Provides that any person violating the preceding section shall be fined not less than \$100 nor more than \$300 or be imprisoned in the state work house or house of correction for a period not exceeding three months.

Sec. 6. Every person offering for sale or selling any spirituous or intoxicating liquors adulterated with any poison or deleterious ingredients injurious to health shall be fined not less than \$300 nor more than \$500 or be imprisoned in the state work house or house of correction for not less than 3 months nor more than 6 months, and upon a second conviction of this or any preceding section of this chapter the person convicted shall be both fined and imprisoned.

CHAPTER 98.

DISEASED CATTLE.

Sec. 6. Every person who shall sell any cattle or other domestic animals or any part thereof known to him to be affected with any contagious disease or any disease dangerous to public health, or who shall sell or offer for sale any milk from any such cattle or domestic animal, shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

CHAPTER 152.

MEDICINES AND DRUGS.

Sec. 10. Every person who shall knowingly adulterate or cause to be mixed any foreign or inert substance with any drug or medical substance, or any compound or medicinal preparation recognized by the pharmacopoeia of the United States or other countries as employed in medicinal practice with the effect of weakening or destroying its medicinal power, or who shall sell the same knowing it to be adulterated, shall, in addition to the penalties prescribed in section 7 of this chapter, forfeit to the use of the state the article so adulterated found in his possession, and shall be deprived of the right to practice as a pharmacist in this state. The State Board of Pharmacy shall have the right to make investigations under this section.

DECISIONS OF THE SUPREME COURT OF RHODE ISLAND ON FOOD LAWS.

ADULTERATION. A statute which provides that milk containing less than a certain per centum of solids and fats shall be deemed adulterated is valid. *State vs. Smith*, 14 R. I., 100; 51 Amer. Rep. 344.

MILK. The provision that no person shall sell or exchange milk which does not comply with the requirements of sec. 6, c. 147, Gen. Laws, applies to all persons, whether registered dealers or not. *State, Baker vs. Luther*, 20 R. I. 472.

Where the statute provides that milk shall be deficient in milk fats if it contains a greater per centum of watery fluids or less of milk solids than prescribed by sec. 8, which provides that milk which shall not contain more than 88 per cent of watery fluids or less than 12 per cent of milk solids or less than 2.1½ per cent of milk fats shall be deemed to be adulterated it is not essential

that the sample of milk complained of is deficient in milk fats. *State, Baker vs. Luther*, 20 R. I. 472.

MILK. Possession of milk below the legal standard is not punishable. An intent to sell must be shown. *State vs. Smyth*, 14 R. I. 100.

MILK ANALYSIS. An act which confines the testimony to analysis of the samples which are destroyed in the process of analysis is constitutional. *State vs. Groves*, 15 R. I. 208.

MILK. MASTER'S LIABILITY FOR ACT OF SERVANT. Where adulterated or inferior milk is found in the possession of a servant in addition to the evidence that the milk was in his possession for sale, in order to hold the master liable it must also be shown that the servant having it so for sale was acting in pursuance of the will of the master. *State vs. Smith*, 10 R. I. 258.

PURE FOOD LAWS OF SOUTH CAROLINA.

The State of South Carolina has no dairy or food commissioner. The State Board of Health has supervisory powers over the laws relative to the adulteration of articles of food or drink. Said Board may adopt such measures as it may deem necessary to facilitate the enforcement of such laws, and may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal for the purpose of carrying said laws into effect.

The State Board of Health and those connected with the enforcement of these laws, is as follows:

EXECUTIVE COMMITTEE.

T. Grange Simons, M. D., Chairman, Charleston.

A. A. Moore, M. D., Camden.

James Evans, M. D., Florence.

W. H. Nardin, Anderson.

Chas. M. Rees, M. D., Charleston.

George M. Deen, M. D., Spartansburg.

Robert Wilson, M. D., Charleston.

Hon. G. Duncan Bellinger, Attorney-General.

Hon. J. P. Derham, Comptroller-General.

James Evans, Secretary, Florence.

A digest of the laws on this subject:

Revised Statutes of South Carolina, 1893, vol. 2, section 266, provides that whoever shall knowingly sell, offer or expose for sale or possess with intent to sell, any kind of meat or

vegetables or fruit or other article of provisions, whether for food or drink, that are diseased, corrupted or unwholesome for food or drink, or shall fraudulently adulterate, or cause to be adulterated, for the purpose of sale, or possess with intent to sell any article or kind of food or drink so adulterated, shall be guilty of a misdemeanor and punished by a fine not exceeding \$100 or imprisonment not exceeding thirty days, and the article so adulterated shall be forfeited and destroyed.

SESSION LAWS OF 1896, PAGE 214.

CANDY.

Sec. 1. Provides that no person shall manufacture for sale or sell any candy adulterated by the admixture of terra alba, barytes, talc or any other mineral substance, or by poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. A violation of this act is punishable by a fine not exceeding \$100 nor less than \$50. The candy so adulterated shall be forfeited and destroyed.

PAGE 215.

MILK.

Sec. 1. Provides it is unlawful to sell or expose for sale, or deliver for domestic use, or to be converted into any product of human food, any unclean, impure, unwholesome, adulterated or skimmed milk, or milk from which has

been held back what is known as "strippings," or milk taken from an animal having disease, sickness, ulcers or abscesses; provided this section shall not prohibit the sale of buttermilk or skimmed milk when sold as such.

Sec. 2. For the purposes of this act milk which is proven by any reliable test or analysis to contain less than three per cent of butter fat, and eight and a half per cent of solids other than butter fats, shall be regarded as skimmed milk.

Sec. 3. Every article, substance or compound other than that produced wholly from pure milk or cream, made in semblance of butter or cheese, and designed to be used as a substitute of butter or cheese, made from pure milk or cream, is hereby declared to be imitation butter or imitation cheese as the case may be. Provided, the use of salt, rennet and harmless coloring matter for coloring the product of pure milk or cream shall not be construed to render such product an imitation.

Sec. 4. No person shall coat, powder or color with annatto, or any coloring matter whatever, any substance designed to be used as a substitute for butter or cheese, whereby such substitute shall be caused to resemble butter or cheese, the product of pure milk or cream.

Sec. 5. No person shall combine any animal fat or vegetable oil, or other substance with butter or cheese or combine with butter or cheese, or with animal fat or vegetable oil, or combination of the two, or any other substance, any annatto or other coloring matter for the purpose or with the effect of imparting thereto a yellow color so that such substance shall resemble genuine yellow butter or cheese, nor introduce any such coloring matter or any such substance into any of the ingredients of which such substitute may be composed. Provided, nothing in this act shall be construed to prohibit the use of salt, rennet or harmless coloring matter for coloring the products of pure milk or cream.

Sec. 6. No person shall, by himself or employe, produce or manufacture, sell or keep for sale, any imitation butter or imitation cheese made in violation of this act, whether such imitation shall have been made in this state or elsewhere. Provided, this act shall not be construed to prohibit the manufacture and sale of imitation butter, or imitation cheese under the regulations hereinafter provided, not manufactured or colored as herein prohibited.

Sec. 7. Every person who lawfully manufactures any substance designed to be used as a substitute for butter or cheese, shall mark by branding, stamping or stenciling on the top and sides of each tub, box or other vessel in which said substitute shall be kept, or in which

it shall be removed from the place where produced, in a clear and durable manner, in the English language, the words "Substitute for butter," or "Substitute for cheese," as the case may be, in printed letters in plain Roman type, each of which shall be not less than one inch in height and one-half inch in breadth.

Sec. 8. No person shall possess or control any substance designed to be used as a substitute for butter or cheese unless the tub, box or other vessel containing same be marked as provided in section 7; provided, that this section shall not apply to a person having such imitation substance in his possession for actual consumption of himself or family.

Sec. 9. No person, by himself or otherwise, shall sell or offer for sale, any imitation butter or cheese under the pretense that same is genuine butter or cheese.

Sec. 10.* No keeper or proprietor of any hotel or restaurant shall knowingly use or serve therein, either as food or for cooking purposes, any imitation butter or cheese as defined in section 3 of this act, unless such keeper, proprietor or other persons, shall keep constantly posted in a conspicuous place, in the room where such limitations shall be served, so that the same may be easily seen and read by any person in such room, a white placard, not less than ten by fourteen inches in size, on which shall be printed in the English language, in plain black Roman letters not smaller than one inch in height and one-half inch in width, the words "Imitation butter used here," or "Imitation cheese used here," as the case may be. Said card shall contain no other words.

Sec. 11. A violation of this act is a misdemeanor, punishable by a fine not to exceed \$100, nor less than \$10. One-half of said fine to go to the informer of such offense.

Sec. 12. The sworn certificate of the chemist of the Clemson Agricultural College of South Carolina of his analysis of a suspected sample, shall be recognized in all courts of the state as *prima facie* evidence of such analysis and the character of such sample. Approved the 9th day of March, 1896.

SESSION LAWS OF 1898, PAGE 803. INSPECTION OF FOOD, DRUGS AND LIQUORS.

Sec. 1. Provides no person shall within this state manufacture, brew, distill or offer for sale, or sell any articles of food, drugs, spirituous, fermented or malt liquors, which are adulterated within the meaning of this act. Every person violating this act shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$50 or imprisoned not exceeding fifteen days for the first offense and not exceed-

ing \$100 or imprisonment for thirty days, or both, for each subsequent offense.

See. 2. The term "food" as used in this act shall include every article used for food or drink by man, including all candies, teas, coffees and spirituous, fermented and malt liquors. The term "drug" as used herein shall include all medicines for internal or external use.

See. 3. An article shall be deemed to be adulterated within the meaning of this act:

(a) In the case of drugs:

1. If, when sold under or by a name recognized in the United States Pharmacopoeia, it differs from the standard of strength, quality or purity laid down therein.

2. If, when sold under or by a name not recognized in the United States Pharmacopoeia, but which is found in some other Pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity falls below the professed standard under which it is sold.

(b) In the case of food or drink:

1. If any substance has been mixed with it, so as to reduce or lower or injuriously affect its quality or strength.

2. If any inferior or weaker substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted.

4. If it be an imitation of or sold under the name of another article.

5. If it consists wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal.

6. If it be colored or coated, polished or powdered, whereby damage is concealed, or it is made to appear better than it really is or of greater value.

7. If it contains any added poisonous ingredient, or any ingredient which may render it injurious to health: provided, that the said Board of Health may declare from time to time certain articles or preparations to be exempt from the provisions of this act: provided, further, the provisions of this act shall not apply to mixtures or compounds recognized as ordi-

nary articles of food, provided the same are not injurious to health, and are distinctly labeled as mixtures, stating the components of the mixture.

(c) In the case of spirituous, fermented and malt liquors, if it contains any substance or ingredients not normal or healthful to exist in spirituous, fermented or malt liquors, or deleterious to health, when such liquors are used as a beverage or as a medicine, and if it does not conform in respect to strength and purity to that required by the laws of this state.

See. 4. It shall be the duty of the State Board of Health to prepare and publish from time to time lists of articles, mixtures and compounds declared to be exempt from the provisions of this act, in accordance with the preceding section. The State Board of Health shall, from time to time, fix the limits of variability permissible in any article of food or drug or compound, the standard of which is not established by any national Pharmacopoeia.

See. 5. The State Board of Health shall take cognizance of the interests of public health as it relates to the sale of food, drugs, spirituous, fermented and malt liquors, and the adulteration thereof, and make all necessary inquiries and investigations relating thereto, and for such purposes may appoint inspectors, analysts and chemists, who shall be subject to its supervision and removal. The State Board of Health shall adopt such measures as it may deem necessary to facilitate the enforcement of this act. It shall prepare rules and regulations with regard to the proper method of collecting and examining drugs, articles of food and spirituous, fermented and malt liquors.

See. 6. Every person offering or exposing for sale, or delivering to a purchaser any drug or article of food or spirituous, fermented or malt liquors, included hereinunder, shall furnish to any analyst or person appointed hereunder, who shall apply to him for the purpose and tender him the value of same, a sample sufficient for analysis for any such drug or article of food or drink which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, analyst or other officer appointed hereinunder in the performance of his duty, shall be guilty of a misdemeanor and fined not exceeding \$100 or imprisoned not exceeding sixty days.



DAIRY AND FOOD LAWS OF SOUTH DAKOTA.

The dairy and pure food laws of the State of South Dakota are administered by a Dairy and Food Commissioner appointed by the Governor, whose term of office is two years, at a salary of \$1,200 per annum. He has power to appoint a stenographer, whose salary shall not exceed \$600 per annum. Said Commissioner is required to be a man who has had two years of practical experience in dairying, and also a man versed in dairy science. The South Dakota Dairy and Food Commission was created by the act of the General Assembly, approved March 6th, 1901. The Dairy and Food Commission consists of the following members:

C. P. Sherwood, Dairy and Food Commissioner.

J. H. Hubbard, Assistant and Stenographer.

Hon. John Armstrong, Special Instructor in Institute Work.

A digest of the laws on this subject is as follows:

Sec. 1. The office of Food and Dairy Commissioner for the State of South Dakota is hereby created. Said Commissioner shall be appointed by the Governor, with the consent of the Senate. He shall be a resident of South Dakota, a practical dairyman, and shall have had two years of practical experience in dairying. He shall also be versed in dairy science. His term of office shall be for two years. Said Commissioner may be removed from office for cause, by the Governor. He shall give bonds in the sum of \$5,000.

Sec. 2. It shall be the duty of said Commissioner to enforce all laws that now exist, or may hereafter be enacted, relative to the several articles which are foods, or necessary constituents of foods, manufactured or sold, exposed or offered for sale in this state. He may, in a lawful manner, procure samples of same, and direct the chemist of the Agricultural College, State University or School of Mines to make careful examination of same and report to the Commissioner the result of the analysis of all such foods as are adulterated, impure or unwholesome. Said Commissioner shall make semi-annual reports to the Governor.

Sec. 3. Provides that the Food and Dairy Commissioner shall, so far as practicable, encourage and instruct those desiring him to do so, in the organization of creameries, or cheese factories, by lectures, pamphlets or practical demonstrations, and shall embody in his annual report such facts and statistics in regard to the production, manufacture and sale of dairy products, and enforcement of pure food laws, with such suggestions as he may regard

of public importance in connection therewith.

Sec. 4. Every creamery and cheese factory proprietor shall, on the first day of April of each year, or within thirty days thereafter, be licensed by the Food and Dairy Commissioner to manufacture from pure milk, butter or cheese or both, and shall pay therefor the sum of one dollar for each and every factory owned and operated by said individual. No license shall be sold or transferred. Each license shall record the name of the owner, the place of business, location of factory or skimming station, and number of the same. Each license shall, before engaging in the manufacture of butter or cheese, cause the number of the license to be placed conspicuously on the wall, on the inside of said factory or skimming station, and he shall report to said Commissioner on blanks furnished by said Commissioner, the names and postoffice address of all the officers of said factory, including the butter and cheese maker. Any change in the management thereof, during the term of said license, shall be promptly reported to said Commissioner.

Sec. 5. On and after July 1st, 1901, any person who shall operate a creamery or cheese factory in this state in the capacity of a butter-maker or cheese-maker, without having first obtained a license of the Food and Dairy Commissioner, shall be guilty of a misdemeanor, and punished by a fine of not less than \$10 for each day he shall so act.

Sec. 6. The Food and Dairy Commissioner shall issue a license to applicants for butter-maker and cheese-maker authorizing them to operate such factories upon passing satisfactory examination. If the applicant furnishes said Commissioner satisfactory recommendations from the manager or Board of Directors of the factory in which he is employed, of his ability as a butter-maker or cheese-maker, such recommendation may be accepted in lieu of an examination, provided the Food and Dairy Commissioner may cancel said license upon satisfactory proof that the factory authorized to be operated is not operated in compliance with the provisions of this act.

Sec. 7. The salary of the Dairy and Food Commissioner shall be \$1,200 per annum, payable monthly. He shall have power to appoint a stenographer whose salary shall not exceed \$600 per annum, payable monthly.

Sec. 8. It is the duty of the chemist or chemists regularly employed at the State Agricultural College, State University or School of Mines, to analyze all samples of food or dairy products submitted by the Food and Dairy



C. P. SHERWOOD, South Dakota Dairy and Food Commissioner.



PROF. JAMES H. SHEPARD,
State Chemist.



J. H. HUBBARD,
Assistant and Stenographer.

SOUTH DAKOTA DAIRY AND FOOD COMMISSION.

Commissioner, and return the result of such analysis to said commissioner. The expenses thereof to be paid out of food and dairy funds.

Sec. 9. Said Commissioner shall be entitled to necessary expenses incurred in the discharge of his duty.

MILK.

Sec. 10. No person shall keep cows in a crowded or unhealthy condition for the production of milk for market, sale or exchange, or to be manufactured into articles of butter or cheese, or feed cows on food that produces impure, unhealthy, diseased or unwholesome milk, nor sell such milk to any person nor deliver milk from diseased cows to any creamery or cheese factory. No person shall manufacture from impure, unhealthy, diseased and unwholesome milk or cream any article of butter or cheese. Whoever violates the provisions of this section shall be guilty of misdemeanor and punished as hereinafter provided.

Sec. 11. No person shall sell, supply or bring to be manufactured to any butter or cheese factory any milk diluted with water, or any impure, unclean, unhealthy, adulterated or unwholesome milk or cream from the same. Whoever violates the provisions of this act shall be guilty of a misdemeanor and punished as hereinafter provided.

Sec. 12. No person shall manufacture, offer or expose for sale, sell, deliver or possess with the intent to sell or deliver, any oleomargarine which contains methyl-orange, butter yellow, orange yellow, annatto, analine dye or any other coloring matter.

Every person who shall offer for sale, sell, deliver or possess, with intent to sell or deliver, any oleomargarine shall keep a white placard not less in size than 10x14 inches in a conspicuous place, where the same may be easily read and seen in the store, room, stand, booth, vehicle or place where such substance is offered or exposed for sale, on which placard shall be printed in black letters not less in size than one and one-half inches square the words "Oleomargarine sold here." And said placard shall contain no other words. No person shall sell or deliver any oleomargarine unless it be done under its true name, and each package has on the upper side thereof the label, on which is printed in letters not less than five-eighths of an inch square the word "Oleomargarine," and in letters not less than one-eighth of an inch square the name and per cent of each ingredient therein.

Every proprietor, keeper, manager or person in charge of any hotel, boat, railroad car, boarding house, restaurant, eating house, lunch counter or lunch room, who sells therein or uses for cooking or furnishes oleomargarine, shall

display and keep a white placard in a conspicuous place where the same may be easily seen and read, in the dining room or place where such substance is furnished, sold or served, which placard shall be in size not less than ten by fourteen inches, upon which shall be printed in black letters not less than one and one-half inches square the words "Oleomargarine sold here." Said placard shall contain no other words. Such proprietor, keeper or person in charge shall not sell or serve such substance for butter when butter is asked for, or purported to be furnished or served.

The word "Oleomargarine" as used in this act shall be construed to mean any substance not pure butter of not less than 80 per cent of butter fat, which substance is made as a substitute for or to be used as butter.

Any manufacturer who violates the provisions of this section shall be fined not less than one hundred or more than five hundred dollars, and for each subsequent violation in addition to such fine may be imprisoned in the county jail not more than ninety days. Any other person violating this section shall be fined not less than fifty nor more than one hundred dollars.

Nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine or filled cheese in a separate and distinct form, in such manner as will advise the consumer of its real character, free from coloration or ingredients that cause it to look like cheese or yellow butter.

CHEESE.

Sec. 13. Every person who shall at any cheese factory in this state manufacture cheese, and shall fail at said factory to distinctly and durably stamp on the bandage of every such cheese, and on the box containing the same, in full face capital letters, the grade of same, "SOUTH DAKOTA FULL CREAM CHEESE," "SKIMMED" or "IMITATION" as hereinafter defined, shall be deemed guilty of a misdemeanor and punished as hereinafter provided. Brands and stencils for stamping shall be procured from the food and dairy commissioner.

Sec. 14. Any person who shall efface, cancel or remove any mark or label provided for by this act, with intent to deceive, or violate this act, is guilty of a misdemeanor.

Sec. 15. It is a misdemeanor to manipulate or underread the Babcock test or any other contrivance used for determining the quality or value of milk.

Sec. 16. The doing of anything prohibited and the not doing of anything directed to be done by this act shall be *prima facie* evidence of wilful intent to violate this act.

Sec. 17. The Food and Dairy Commissioner is authorized and directed to issue to each cheese factory and to each renovating or process butter factory, upon proper application therefor, uniform stencils or brands to be used as provided in sections 12 and 13 of this act. All cheese containing not less than 45 per cent of the butter fat in comparison with the total solids, shall be branded "South Dakota Full Cream Cheese," or cheese into which any foreign fat or oleaginous substance, or the fat from any stale, rancid, foul or impure butter, has been introduced, shall be branded "Imitation cheese."

Sec. 18. Provides that a record be kept of said brand and stencils by the commissioner.

POWERS OF COMMISSIONER.

Sec. 19. The Food and Dairy Commissioner and such persons as he shall authorize for the purpose, shall have access, ingress and egress to all places of business, factories, farms and other places, and cans used in the manufacture of any food and dairy product or imitation thereof. They shall have power and authority to open any package, can or vessel containing any article which may be manufactured, sold or exposed for sale in violation of law, and inspect the contents thereof, and take samples therefrom for analysis upon payment of the market value thereof. All clerks, bookkeepers, express agents, railroad officials and employes of common carriers shall render to them all the assistance in their power, when so requested, in tracing or discovering the presence of any article manufactured in violation of the law. Any refusal on the part of such clerks, bookkeepers, etc., to render such friendly aid, when requested so to do, shall be a misdemeanor. Any person who obstructs the Food and Dairy Commissioner in carrying out the provisions of this section shall be guilty of a misdemeanor.

Sec. 20. The Food and Dairy Commissioner shall have power, in the discharge of his duty, to examine under oath any person whom he may believe has knowledge concerning the sale or use of adulterated food, or any imitation of butter or cheese. He may issue subpoenas.

Sec. 21. It shall be the duty of said Commissioner or his employes to enter all places where they have reason to believe adulterated food, butter or cheese, or imitations thereof, are kept for sale, and take samples of such substances, and cause them to be analyzed and tested. Such analysis or test shall be recorded and preserved as evidence. A certificate of such result, sworn to by the chemist making the analysis, shall be admissible in evidence.

Provided, the person accused may take the deposition or compel the attendance in court of such chemist in manner now provided by law.

The expense of such analysis to be determined by the court, not exceeding twenty dollars in any one case, may be included in the costs of prosecution.

Sec. 22. Every person in charge of any creamery, cheese factory or renovating or process butter factory, shall make a monthly report to said Commissioner not later than the last day of each month, of the product of said factory and such information as said Commissioner may require for the preceding month, ending on the last day thereof. Blanks for such reports shall be procured from the Commissioner.

Sec. 23. Whoever hinders or obstructs the Food and Dairy Commissioner or his employes in the performance of their duty shall be punished by a fine of fifty dollars for the first offense, and one hundred dollars for each subsequent offense, and imprisonment until such fine is paid.

Sec. 24. A violation of sections 5 and 12 of this act is punishable by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not to exceed thirty days.

Sec. 25. A violation of sections 14, 15, 16, 17 and 20 of this act is punishable by a fine of not less than one hundred dollars nor to exceed five hundred dollars: provided nothing in this act shall be construed to affect merchandise purchased, on hand and for sale prior to the taking effect of this act.

Sec. 26. Provides for the application of fines collected hereunder.

Sec. 27. Provides an appropriation of \$2,500 per annum to be known as the food and dairy fund.

Sec. 28. Adulterated food or imitation cheese or butter shipped into this state, not labeled as provided by the laws of this state, may be seized by the Food and Dairy Commissioner and confiscated by him.

Sec. 29. This act does not apply to farmers and stock growers manufacturing their own milk products into cheese or butter for home consumption and for the market. Provides an emergency clause.

ADULTERATING FOOD. PENAL CODE.

Sec. 7917. Every person who adulterates or dilutes any article of food or drink, drug, medicine, strong, spirituous or malt liquor or wine, or any article useful in compounding either of them, whether one useful for mankind or for animals, with fraudulent intent to offer the same, or cause or permit it to be offered for sale as unadulterated or undiluted, and every person who fraudulently sells, keeps or offers for sale the same as unadulterated or undiluted, knowingly, is guilty of a misdemeanor.

Sec. 7819. Prohibits the sale or otherwise

disposing of any article of food, drink, drug or medicine that has become tainted, decayed, spoiled or unwholesome to be eaten or drunk with intent to permit same to be eaten or drunk by any person or animal. Any violation hereof is a misdemeanor.

POLITICAL CODE.

ADULTERATION OF FOOD OR DRINK.

Sec. 3043. Provides that no person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making same fully known to the buyer, or fraudulently adulterate for the purpose of sale any substance intended for food, any wine, spirits or other liquor intended for drinking, or color, strain or powder, any article of food, drink or medicine, or any article entering into the composition of food, drink or medicine, with any substance, whether injurious to health or not, for the purpose of gain or profit, or sell or offer for sale any article so mixed, colored, stained or powdered, unless same be so manufactured, sold or offered for sale under its true and appropriate name, and a notice that same is mixed or impure, is marked, printed or stamped upon each package, roll, parcel or vessel containing same, so as to be at all times readily visible; or unless the purchaser is informed by the seller of the true name and ingredients of such article of food, drink or medicine, at the time of sale or offering to sell; provided, nothing herein shall be construed to prevent the use of harmless coloring in butter or cheese made from whole milk or cream.

Sec. 3044. Prohibits the killing of calves for food when less than four weeks old and provides for the issuance of a search warrant to search for such meat.

Sec. 3045. Prohibits the sale and manufacture, taking orders for, delivering, keeping in possession, storage, distribution or conveyance with intent to sell any article made wholly or partly out of any fat or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, made in imitation of butter, produced from unadulterated milk or cream; provided, nothing in this act shall prohibit the manufacture or sale of oleomargarine in a separate and distinct form, in such manner as to advise the consumer of its real character, free from coloration or ingredients that cause it to look like yellow butter. Provided, further, that such substance or compounds thereof, or oleomargarine shall be colored pink.

Sec. 3046. A violation of sections 1 and 2 hereof is a misdemeanor, punishable by imprisonment not to exceed six months, nor less

than three months, or fined not to exceed \$200 and not less than \$100.

Sec. 3047. Whoever furnishes in any hotel, restaurant, boarding house or other place, oleomargarine or butterine, to any guest or patron of such hotel, etc., in place of butter, shall notify said guest that the substance so furnished is not butter. A failure so to do is punishable by a fine of not less than ten nor more than fifty dollars for each offense.

Sec. 3048. Provides duties of health officer, sheriff or deputy sheriff to enforce the two preceding sections.

Sec. 3049. For the purpose of the three preceding sections, the terms "Butter" and "Cheese" mean the products usually known by those names, manufactured exclusively from milk or cream or both, with salt and rennet, with or without coloring matter.

PURE FOOD LAW.

Sec. 3050. No person shall manufacture for sale, sell or ship into this state any food jellies, adulterated with any foreign substance within the meaning of this act, unless the can, jar, glass, firkin, tub or package containing the same bear a label or brand in manner or form hereinafter required.

FOOD JELLIES.

Sec. 3051. The term "Food Jellies" as used herein shall embrace all substances known and recognized in commerce as "Jellies," for human consumption as food, whether such jellies are prepared of animal or vegetable products.

Sec. 3052. Every firm or person offering, exposing for sale or selling any food jelly or any mixture intended for use as a food jelly, which is adulterated as hereinbefore defined, shall securely affix in a conspicuous place upon the side of every can, jar, glass, tub, firkin or package wherein the same is contained, a label upon the outside and face of which is distinctly printed upon a background of a single color, in the English language, in legible type, no smaller than double pica, the name and location of the factory or the person manufacturing the same, the words "Mixture" and "Adulterated," and immediately following and below these words the common English name, and the quality, grade and net weight of the article claimed to be contained in such can, jar, glass tub, firkin or package.

LARD.

Sec. 3053. No person shall manufacture for sale, possess with intent to sell or sell as lard, any substance not the legitimate and exclusive product of the fat of the hog.

Sec. 3054. Every person who manufactures for sale in this state, possesses with intent to sell, or sells as lard or as a substitute for lard,

any mixture or compound which is designed to take the place of lard, made from animal or vegetable fats or oils, or any mixture or compound consisting of part lard in mixture or combination with animal or vegetable oils or fats, unless the same be branded or labeled as hereinafter required, shall be guilty of a misdemeanor and subject to the penalties hereinafter provided.

Sec. 3055. Every person who manufactures for sale, possesses with intent to sell or sells any substance made in semblance of lard or as an imitation of lard, which is designed to take the place of lard and consists of any mixture or compound of animal or vegetable oils or fats other than hog fat in the form of lard, shall cause the tierce, barrel, tub, pail or package containing same to be distinctly and legibly branded or labeled in letters not less than one inch in length, with the name of the person making the same, together with the location of the manufactory, and the words "Lard substitute," and immediately following the same in letters not less than one-half inch in length, with the names and approximate proportions of the several constituents which are contained in the mixture or compound.

Sec. 3056. Every person who manufactures for sale, possesses with intent to sell, offers or exposes for sale or sells any substance made in semblance of lard, or as a substitute for lard, or designed to take the place of lard, consisting of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled in letters not less than one inch in length, with the name of the person making same, and location of the manufactory, and the words "Adulterated lard," and immediately following same in letters not less than one-half inch in length, the names and approximate proportions of the several constituents which are contained in the mixture or compound.

Sec. 3057. Every dealer or person who offers for sale or sells any form or lard substitute, or adulterated lard, as herein defined, shall securely affix to the package containing same, a label upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words "Lard substitute" or "Adulterated lard," and immediately following same, in letters not smaller than long primer, the names and approximate proportions of the several constituents contained in the mixture or compound, and shall furnish the purchaser at the time of sale, a card upon which is distinctly and legibly printed the name of the article and a list of the several

components thereof.

Sec. 3058. Every person who manufactures for sale, offers for sale or sells, or serves to guests as the keeper of a hotel, restaurant, dining room or otherwise, articles of food which have been prepared wholly or in part with lard substitutes, or adulterated lard, shall, at the time of sale, furnish the purchaser a card upon which is distinctly and legibly printed the words, "This food is prepared with lard substitute (or adulterated lard)." or in case no bill of fare is provided, shall constantly keep posted upon each side of the dining room, in a conspicuous position cards distinctly printed in the English language, in letters visible from all parts of the room, the words "Lard substitute (or adulterated lard) is used in the preparation of the food served here." Provided this act shall not apply to cottolene, a compound consisting of a mixture of beef stearine and refined cottonseed oil, when distinctly labeled in letters not less than one-half inch in length, with the word "Cottolene," and the name and location of the person manufacturing same, provided said Cottolene shall not be manufactured in imitation of lard, and shall not contain and substance deleterious to health.

BAKING POWDER.

Sec. 3059. Every person who manufactures for sale or sells any baking powder or any mixture or compound intended for use as a baking powder, under any name or title whatsoever, which shall contain any alum, unless the same be labeled as hereinafter required, shall be guilty of a misdemeanor.

Sec. 3059a. Every person making or manufacturing baking powder or any mixture or compound intended for use as a baking powder which contains alum, shall securely affix to every box, can or package containing same, a label upon the outside and face of which is distinctly printed in legible type no smaller than brevier, heavy, Gothic caps, the name and residence of the manufacturer, and the words "This baking powder contains alum." Any person violating this section shall be guilty of a misdemeanor.

CIGAR VINEGAR.

Sec. 3059b. Every person who manufactures for sale, offers or exposes for sale, as cider vinegar, vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of apple cider, or into which foreign substances, drugs or acids have been introduced, shall be deemed guilty of a misdemeanor.

Sec. 3059c. Every person manufacturing for sale or selling any vinegar, found upon proper test, to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious

to health, shall be deemed guilty of a misdemeanor.

Sec. 3059d. Prohibits the sale, exchange or possession with intent to sell or exchange any adulterated vinegar, or the labeling, branding or selling as cider vinegar, or apple vinegar, any vinegar not the legitimate product of pure apple juice, or not made exclusively from pure apple cider.

Sec. 3059e. All vinegars shall have an acidity equivalent to the presence of not less than four and a half per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain in addition not less than two per cent of weight of cider vinegar solids, upon full evaporation over boiling water. If any vinegar contains any artificial coloring matter or less than the above acidity, or in the case of cider vinegar, if it contains less than the above amount of acidity or of cider vinegar solids, it shall be deemed adulterated within the meaning of this act. All manufacturers of vinegar or persons who reduce or rebarrel vinegar or handle vinegar in lots of one barrel or more, or ship vinegar into this state, are hereby required to stencil or mark in black figures, at least one inch in length, on the head of each barrel of vinegar bought or sold by them, the kind of vinegar contained therein, with the name of the manufacturer, location of factory, and the standard strength of the vinegar contained in such package or barrel, which latter shall be denoted by the number of grains of pure bicarbonate of potash required to neutralize one fluid ounce of vinegar, any neglect to so mark or stencil each barrel, etc., or any false marking thereof, is a misdemeanor.

PENALTY.

Sec. 3059f. Whoever adulterates, for the purpose of sale, lard with cotton seed oil, or vegetable oil, or terra alba or other substances injurious to health is guilty of a misdemeanor.

HONEY.

Sec. 3059g. It is unlawful for any person to offer for sale or possess with intent to sell, or sell, honey manufactured from or mixed with glucose, sugar syrup of any kind, or any substance not the legitimate product of the honey bee, unless the package containing same is so marked and represented as such, and bearing a label upon the package printed in heavy Gothic capitals, eighteen point, with the name of the person manufacturing or mixing the same, and the name of the substance or material from which it is compounded, manufactured or mixed with.

Sec. 3059h. It is unlawful for any person to possess for sale or sell honey which has not been made by the bees from the natural secre-

tion of flowers and plants, and which has been stored or made by the bees from glucose, sugar syrup, or other material fed to them, unless same is marked and designated as such, bearing a label upon the package printed in heavy Gothic letters, eighteen point, the name of the person who fed the substance or material from which same is stored or made, and the name of the substance or material from which said honey is stored or made.

SPICES.

Sec. 3059i. The term "Spices and condiments," as used herein, shall embrace all substances known and recognized in commerce as spices, and used as condiments, whether the same be in their natural state or in a form which would result from the grinding, milling, mixing or compounding of the natural product.

Sec. 3059j. No person shall by himself or otherwise, manufacture for sale or sell any spices or condiments to the inhabitants of this state, either ground or unground, adulterated with any foreign substance, within the meaning of this act, unless the package or box containing same, bear a label or brand in manner and form as herein required.

Sec. 3059k. Every person manufacturing, selling or delivering to a purchaser any spices condiment, or mixture or compound intended for use as a spice or condiment, adulterated as hereinbefore defined, shall affix in a conspicuous place upon the side of every box or package containing same, a label upon the outside and face, on which is distinctly printed upon a background of a single color, in the English language, in legible type, not smaller than double pica, the name and location of the factory or person manufacturing the same, the words "Mixture" and "Adulterated," and immediately following and below these words the common English name of the spice or condiment which the box or package contains, also the net weight of the package must be printed in plain type on the label.

CANDY.

Sec. 3059l. Prohibits the manufacturing or selling of any candy, adulterated by the admixture of terra alba, barytes, talc, or other mineral substance, or poisonous colors or flavors, or ingredients deleterious to health.

Sec. 3059m. It is unlawful to sell or possess with intent to sell any article of food adulterated, unless the package containing the same bears a label on the outside and face of said package, upon which is distinctly printed in the English language and in legible type, not smaller than double pica, the name and location of the person manufacturing the same, the word "Adulterated," and immediately follow-

ing and below this word the common English name of the article of food which the box or package contains.

Sec. 3059n. Possession of any article herebefore described as adulterated or mixed, not labeled as required herein, shall be considered *prima facie* evidence that same is kept in direct violation of the provisions of this act.

Sec. 3059o. In all prosecutions under this act the certificate of the chemist making the analysis, duly certified, shall be *prima facie* evidence of the facts certified.

Sec. 3059q. In all prosecutions under this act costs shall be paid in like manner as provided by law, and it is the duty of the prosecuting attorney to represent and prosecute on behalf of the people. Fines shall be paid into the State Treasury.

Sec. 3059r. A violation of any of the provisions of this act shall be deemed a misdemeanor, punishable by fine of not less than \$25.00 nor more than \$50.00, and costs, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

DIGEST AND RULINGS.

BY C. P. SHERWOOD, FOOD AND DAIRY COMMISSIONER.

In order that the public may become familiar with the law governing the manufacture and sale of foods in the State of South Dakota, this department has issued the following digest of the laws and rulings governing the sale of the various foods:

Baking Powder.—Every can must be labeled with the manufacturer's name and address and also the name of the baking powder. No formula is necessary. If containing alum the following words in type no smaller than brevier heavy Gothic caps must be printed on the label: "This Baking Powder Contains Alum." All baking powder must be true to name and contain no injurious substances.

Butter.—Must be made from pure milk and cream and contain no preservative other than salt and no substance injurious to health. May be colored with harmless vegetable butter color. Process or reworked butter must not be labeled or sold for creamery or dairy butter.

Candy.—Must not be adulterated by terra alba, barytes, talc or any other mineral substance, or contain poisonous coloring or flavors or other ingredient deleterious to health.

Catsups. Must not contain injurious ingredients, coloring matter or preservatives.

Cider.—Must be true to name and contain no artificial coloring, preservatives or substance injurious to health. Apple cider must be made from pure apple juice.

Cheese.—Must be made from pure milk and cream. Each cheese and each box must be

stenciled "South Dakota Full Cream Cheese" or "Skim" or "Imitation" as the case may be, and be true to name. Full cream cheese must contain not less than 45 per cent butter fat in comparison with total solids. If less than 45 per cent must be marked skim, and if containing any fat or oleaginous substance or foreign fat or the fat from any stale, rancid or impure butter, shall be branded imitation. Cheese factories must annually procure license from food and dairy commissioner.

Cottolene.—Must be sold only under its true name. Is legal if containing no substance deleterious to health and not made in imitation of lard.

Liquors.—Must be chemically pure, free from all unnatural or abnormal ingredients and coloring matter. Must not be mixed with other drugs or different kinds of liquor nor with water.

Maple Sugar and Syrups.—Must be true to name, otherwise labeled adulterated.

Milk.—Must be pure and unadulterated. Must not be taken from unhealthy cows or contain preservatives of any description. This applies to milk furnished to creameries or cheese factories, by milk peddlers, or served to guests at any hotel, restaurant or boarding house.

Coffee.—If sold as such must be true to name and not coated to conceal inferiority. May be mixed with chicory or other substance not injurious to health if labeled "coffee compound" and the name of the manufacturer and his address. Coffee substitute composed of cereals in combination, labeled or sold as a substitute for coffee may be sold under a coin name, if the name is not any one of the ingredients contained therein.

Canned Goods.—Must bear the name and address of the packer and contain no poisonous ingredient or injurious coloring matter. The greening of vegetables is prohibited.

Cream of Tartar.—Must be true to name and unadulterated.

Extracts—Flavoring.—Bottles or packages must bear the name of the manufacturer and his address, and the name of the article. Must be pure, or marked or labeled adulterated thus: "Adulterated Lemon," etc. Vanilla flavoring must be true to name and uncolored. Compound extracts must have the name of each ingredient on the label of each bottle or package. Extracts not made from fruit, berries or beans must be labeled "Imitation Lemon" or "Imitation Vanilla," etc., and contain no injurious substances.

Farinaceous Goods.—Must be true to name, pure and unadulterated. If mixed or compounded, must be sold under a coin name.

Honey.—Must be pure, made by bees from

the natural secretions of flowers and plants. If made by bees fed on glucose, sugar or syrup, and other materials, must bear a label giving the name of the persons who fed or caused to be fed the substance, the name of the substance from which the said honey was stored or made. Honey mixed with glucose, sugar, syrup or any other substance, and not the legitimate product of the honey bee, shall bear a label giving the name and address of the manufacturers and the name of the substances from which it is compounded.

Jellies.—This embraces all foods and preparations of foods known as jellies whether prepared from animal or vegetable products. They must in all cases be pure and true to name, otherwise they must be labeled with the name and address of the manufacturer and the word "mixture" or "adulterated" preceding the name of the article and the grade and net weight of the article contained in the package. No preservative or artificial coloring matter is allowed.

Lard.—This embraces the legitimate and exclusive product of the fat of the hog. Adulterated lard may be sold if the package bears a label giving the name and address of the manufacturers and the words "adulterated lard," and in large type the name and approximate proportions of the several constituents. Parties buying adulterated lard or lard substitute must also be furnished with a card on which is printed in large type the names of the several component parts of the article. Hotels, restaurants and boarding houses using lard substitute or adulterated lard are required to have printed on their bills of fare "This food is prepared with lard substitute or adulterated lard," or have posted on each side of the dining-room in a conspicuous place, a card bearing these words: "Lard substitute or adulterated lard is used in the preparation of the food served here." No preservatives can be used in any kind of lard.

Oleomargarine.—May be sold under its true name if uncolored and containing no injurious substance. The package must be stenciled with the name and amount of the ingredients therein. Dealers must have posted in a conspicuous place a placard bearing these words: "Oleomargarine sold here" under our law. Proprietors of public eating houses must have a large placard posted in a conspicuous place in the dining room or lunch room, bearing these words: "Oleomargarine used here" where it is served or used, and they shall not serve oleomargarine when butter is called for. The term oleomargarine is construed to mean any substance, not pure butter, containing 80 per cent or more than 80 per cent of butter fat, used in

the place of butter.

Prepared Mustard.—May be sold under this name if it does not contain any foreign or other substance to cheapen its value.

Meats.—Must be procured from healthy animals and be in a wholesome condition. Must not be tainted or otherwise unwholesome and must be free from preservatives of any kind. The sale of meat procured from calves less than four weeks old is prohibited.

Syrups.—Must be true to name and contain no injurious substance, coloring matter or preservatives.

Spices.—If not pure must be labeled with the name of the article preceded by the word "Adulterated" and the name and address of the manufacturer, also the net weight of the article contained in the package.

Vinegar.—Must be pure, of an acidity equivalent to the presence of not less than 4½ per cent by weight of absolute of acetic acid and containing no preparation of lead, copper, sulphuric acid or other injurious ingredient, or any artificial coloring matter. Must be true to name and in the case of apple or cider vinegar must be the legitimate product of pure apple juice, and contain not less than 2 per cent of cider vinegar solids. The barrel must be stenciled or labeled with the name and address of the vinegar manufacturer, the kind of vinegar contained in the barrel and the acid strength of the vinegar.

Creameries and Cheese Factories.—Must each obtain a license from the food and dairy commissioner, the fee for which is \$1.00. Buttermakers and cheesemakers must also have licenses. Must not receive at the factory for the manufacture into any article of butter or cheese, any impure, unhealthy, diseased or impure milk, or cream from any such milk or cream adulterated with water or containing any preservatives. Each creamery and cheese factory is required to make a monthly report to the food and dairy commissioner on blanks furnished by his office.

General.—The sale of any adulterated article of food is prohibited unless the package bears a label with the word "adulterated" preceding the name of the article together with the name and address of the manufacturer. The provisions of this law are extended to all persons who manufacture for sale, sell, or cause to be sold any article of adulterated food whatsoever. Foods shipped into this state not labeled as required under the provisions of are subject to confiscation.

Foods Defined.—The term foods covers all articles of food or drink intended for man or beast, whether solid or liquid.

Adulterations Defined.—For the purposes of

the law articles of food are deemed to be adulterated in the following cases:

1. If any substance or substances shall have been mixed with an article of food so as to lower or depreciate its quality, strength or purity.

2. If any cheaper or inferior substances have been substituted wholly or in part for it.

3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

4. If it is an imitation of or sold or represented for sale under the name of any other substance or article.

5. If it is colored, powdered or treated in any manner whereby damage or inferiority is concealed.

6. If it contains any added substance or ingredient which is poisonous or injurious to health.

PURE FOOD LAWS OF TENNESSEE.

The Pure Food Laws of this state are under the supervision of the State Board of Health, the members of which are as follows:

Members—

W. J. McMurray, M. D., President.

W. J. Miller, M. D., Vice-President.

Hon. Thomas H. Paine.

Heber Jones, M. D.

Officers—

J. A. Albright, M. D., Secretary and Executive Officer.

John S. Hamel, Assistant Secretary.

J. M. King, State Chemist.

Louis Leroy, M. D., State Bacteriologist.

A DIGEST OF THE LAWS WHICH IT IS THE DUTY OF THE SAID BOARD TO ENFORCE ON THIS SUBJECT IS AS FOLLOWS:

Sec. 1. Provides that the manufacturing, importation, sale or offering for sale of any article of food or drink which is adulterated or misbranded, within the meaning of this act, is prohibited in Tennessee. And any company or person who shall knowingly receive from without the state, or having received shall deliver, sell or exchange such adulterated or misbranded article, shall be guilty of a misdemeanor, punishable by a fine not less than \$25 nor more than \$100 for each subsequent offense, or be imprisoned in the county jail not exceeding one year, or both.

Sec. 2. The State Board of Health is authorized and directed to establish a properly equipped chemical and biological laboratory, with such experts as they may elect, in which shall be made examinations of food and drink offered for sale in Tennessee, from samples collected from time to time, under such rules as the board may prescribe. The results of such analyses shall be published for the information of the people. It is the duty of the said board to see that the provisions of this act are carried out without any additional appropriations. The names of manufacturers or vendors of such foods or drinks analyzed shall

in no case be published until after conviction in the courts of a violation of this act. The said board shall furnish the District Attorney of the district in which any such violation occurs with a copy of the results of the analyses, duly authenticated under oath by the expert making the examination.

Sec. 3. It is the duty of every District Attorney receiving a report as aforesaid to cause proceedings to be commenced and prosecuted without delay for the fines and penalties in such cases provided, unless he shall decide that such proceedings cannot be sustained, in which case he shall so report to the said board.

Sec. 4. The term "food and drink" shall include all articles used for food or drink by man, whether simple, mixed or compound. The term "misbranded" shall include all articles of food or drink, or which enter into the composition of such articles of food drink, the package or label of which shall bear any statement purporting to name any ingredient or substance as not being contained in such article which statement shall be false in any particular, or any statement purporting to name the substances of which such article is made which shall not fully give the names of all the substances contained in such article in any measurable quantities.

Sec. 5. That for the purposes of this act, an article shall be deemed adulterated, in the case of food or drink: First, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product, when offered for sale, shall be calculated and shall tend to deceive the purchaser. Second, if any inferior substance has been substituted, wholly or in part, for the article, so that the product, when sold, shall tend to deceive the purchaser. Third, if any valuable constituent of the article has been wholly or in part abstracted so that the product, when sold, shall tend to deceive the purchaser. Fourth, if it be an imitation and

sold under the specific name of another article. Fifth, if it be mixed, colored, powdered or strained in any manner whereby danger is concealed so that such product, when sold, shall tend to deceive the purchaser. Sixth, if it contain any added poisonous ingredient or any ingredient which may render such article injurious to the health of the person consuming it. Seventh, if it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or an animal that has died otherwise than by slaughter; provided, that an article of food or drink which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

First, in the case of mixtures or compounds, which may now or from time to time hereafter be known as articles of food or drink under their own distinctive names, and not included in definition fourth of this section. Second, in the cases of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations or blends. Third, when any matter or ingredient has been added to the food or drink because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drink, or to conceal the inferior quality thereof; provided, that the same shall be labeled, branded or tagged as prescribed by the State Board of Health so as to show them to be compounds and the exact character thereof. Fourth, where the food or drink is unavoidably mixed with some extraneous matter in the process of collection and

preparation.

Sec. 6. Provides that the State Board of Health, or any person authorized by them, shall have the right to demand and receive for analysis samples of such articles of food from any manufacturer or vendor who sells or delivers such articles to purchasers; and upon request of either party such sample shall, in the presence of such dealer, be divided into three parts, each part to be sealed by the State Board of Health; one part shall be left with the dealer, one delivered to the State Board of Health, and one deposited with the District Attorney of the district where the sample is taken. Said manufacturer or dealer may have his sample analyzed at his own expense, and if the results thereof differ from those of the State Board of Health, the sample in the hands of the District Attorney shall be analyzed by a third chemist or expert, who shall be agreed upon by the said dealer and the State Board of Health, and the whole evidence shall be laid before the court.

Sec. 7. Provides that whoever refuses to comply, upon demand, with the requirements of Section 6 of this act shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding \$100 nor less than \$10, or imprisoned not exceeding three months, nor less than thirty days, or both. Any person found guilty of manufacturing, knowingly offering for sale or selling any adulterated, impure or misbranded article of food or drink in violation of this act shall pay, in addition to the penalties heretofore provided for, all necessary costs and expenses of inspection and analyses of such adulterated article which said person may have been found guilty of manufacturing or selling or offering for sale.

Sec. 8. Provides that this act shall take effect thirty days after its passage, and repeals all laws or parts of laws in conflict herewith.

DECISIONS OF THE SUPREME COURT OF TENNESSEE ON FOOD LAWS.

UNWHOLESOME PROVISIONS. A person who furnishes provisions for the market is bound to use ordinary care to see that they are wholesome. *Hunter vs. State*, 1 Head (Tenn.) 160.

KNOWLEDGE. Held that if the defendant might have known by ordinary care and diligence on his part or on the part of those employed by him in preparing pork for the market, that it was unsound, whether in point of fact he knew it or not, he should be convicted. But if by means of ordinary care and diligence the defendant could not and did not know the pork was unsound then he is not guilty. *Hunter vs. State*,

1 Head (Tenn.) 160.

UNSOOUND PROVISIONS. LIABILITY FOR SELLING. One who sells provisions for market is liable for any damage arising to the buyer from their unsoundness, if he knew of their condition or might have known of it by ordinary care and prudence. *Hunter vs. State*, 38 Tenn. 160.

LIQUORS. The law requiring a person selling liquor to take an oath and give bond that they will not adulterate them is not complied with if the person takes an oath not to mix any poisonous substance with such liquors. *Hall vs. State* 9 Lea (Tenn.) 574; *Levi vs. State*, 4 Baxt. (Tenn.) 289.

PURE FOOD LAWS OF TEXAS.

The State of Texas has no Dairy or Food Department. The State Health Officer is charged with the enforcement of the laws against the adulteration of articles of food and drink, and the enforcement of all these laws in so far as they relate to public health. His powers and duties are prescribed by law as hereinafter set forth, and an appropriation has been made out of moneys in the Treasury not otherwise appropriated for the carrying of these laws into effect; but it appears that there has never been any money so appropriated set aside for said purpose, and therefore in so far as the State Health Officer is directly charged with creating and supervising a food department, the act has to a great extent lost its force and effect.

The State Health Officer is:
Dr. Geo. R. Tabor.....Austin
TITLE XII, CHAPTER II, PENAL CODE.
SALE OF UNWHOLESOME FOOD,
DRINK OR MEDICINE.

Art. 246. Provides that if any person knowingly sells the flesh of animals dying otherwise than by slaughter, or slaughtered when diseased, or any kind of corrupted, diseased or unwholesome substances, whether for food or drink, without making the same fully known to buyer, he shall be fined not less than \$20 nor more than \$100.

Art. 427. Provides if any person shall fraudulently adulterate for the purpose of sale, any substance intended for food, or any spirituous, vinous or malt liquor intended for drink with any substance injurious to health he shall be punished by a fine of not less than \$50 and not more than \$100.

Art. 428. Provides if any person sell any spirituous, vinous or malt liquor intended for drink, knowing the same to be adulterated with any substance injurious to health, he shall be fined not less than \$50 nor more than \$400.

Art. 429. If any person fraudulently adulterate, for the purpose of sale, any drug or medicine in such a manner as to change the operation of such drug or medicine, or render same worthless or injurious to health, he shall be punished as above.

Art. 430. Prohibits the manufacture, offering for sale or selling any article of food, wines, beers, fermented or distilled liquors, or drugs, known to be adulterated. A violation hereof is a misdemeanor punishable by a fine not exceeding \$500.

Art. 431. The term "food" as used in this law shall include every article used as food or drink by man. The term "drug" shall include

all medicines for internal or external use.

Art. 432. An article shall be deemed adulterated:

(A) In the case of drugs:

1. If when sold under or by a name recognized in the United States Pharmacopoeia it differs from the standard of strength, quality or purity laid down therein.

2. If when sold under or by a name not recognized in the United States Pharmacopoeia, but found in some other Pharmacopoeia or standard work on Materia Medica it differs materially from the standard of strength, quality or purity laid down in such work.

3. If its strength or purity fall below the professed standard under which it is sold:

(B) In the case of food or drinks:

1. If any substance has been mixed with it so as to reduce or injuriously affect its quality or strength.

2. If any inferior substance has been substituted wholly or in part for the article.

3. If any valuable constituent of the article has been wholly or in part abstracted from the article.

4. If it be an imitation of or sold under the name of another article.

5. If it consist wholly or in part of a diseased, decomposed, putrid or rotten animal or vegetable substance, whether manufactured or not; or in case of milk if it is the product of a diseased animal.

6. If it be colored, coated, polished or powdered whereby damages are concealed or made to appear better than it really is or of better value.

7. If it contain any added poisonous ingredient or any ingredient which may render it injurious to the health of the user.

Provided the said health officer may from time to time declare certain articles exempt from the provisions of this law.

Provided further that the provisions of this act shall not apply to mixtures, or compounds recognized as ordinary articles of food; *provided*, the same are not injurious to health and are distinctly labeled as mixtures, stating the compounds thereof.

Art. 433. It shall be the duty of the State Health Officer to prepare and publish from time to time lists of the articles, mixtures or compounds declared exempt. He shall also from time to time fix limits of variability permissible in any article of food or drug, the standard of which is not established by any standard Pharmacopoea.

Art. 434. The State Health Officer shall

"Some coffees are to be *tasted*,
Others to be *swallowed*,
And some few to be (*es*)*chewed*—*Bacon*, with apologies.

===== U S E =====

Schotten's Standard Brands

ROASTED COFFEES

the goods composing which are selected on account of their
Drinking Merits.

ESTABLISHED 1847.

WM. SCHOTTEN & CO.
TEAS, COFFEES, AND SPICES

St. Louis.

take cognizance of the interest of the public health as it relates to the sale of food and drugs and adulterations thereof, and make all necessary investigations and inquiries relating thereto. He shall have the supervision of the appointment of public analysts or chemists. He shall adopt such measures as may seem necessary to facilitate the enforcement of this law; prepare rules and regulations with regard to the proper method of collecting and exempting articles of food or drugs. He shall be authorized to expend an amount not exceeding \$2,000 for the purpose of carrying out the provisions of this law. The sum of \$2,000 is hereby appropriated out of any moneys in the treasury not otherwise appropriated for the purposes in this article provided.

Art. 435. Every person selling, offering or exposing any article of food or drug for sale, shall supply to any public analyst or other state agent or local health officer appointed under this law, upon value thereof being tendered to him, a sample sufficient for the purpose of analysis of any article included in this law in his possession, under penalty not exceeding \$50 for the first offense and \$100 for each subsequent offense.

Art. 436. A violation of this law is a misdemeanor. Any person who shall obstruct, or otherwise prevent any analyst, inspector or pros-

ecuting officer in the performance of his duty shall be fined not less than \$50 nor more than \$500.

Art. 437. All regulations of the State Health Officer made under this law shall be printed for distribution.

SESSION LAWS OF 1899, PAGE 304. MARKING PACKAGES.

Sec. 1. Every person manufacturing or dealing in wheat or corn products in original packages in this state, whether sold singly or in lots, and all manufacturers or dealers in flour, meal or food from the above named grain products, when offering the same for sale in original packages, whether single packages or lots, shall place in legible letters and figures not less than two inches in size on the packages so offered for sale, the name of the contents and actual weight of contents of said package. It is unlawful to sell any package of the articles mentioned herein which has been falsely labeled. All adulterated wheat or corn products shall have stamped upon the sack or barrels "Adulterated."

Sec. 2. All violations of this act are punishable by a fine not less than \$25 nor exceeding \$1,000.

Sec. 3. Provides an emergency clause, approved June 5th, 1899.

DECISIONS OF THE SUPREME COURT OF TEXAS OF FOOD LAWS.

ADULTERATION. LABELING. Under the statute making the mixture of articles of food without labeling the product an offense, is too general. It should name the particular article of food the adulteration of which is prohibited and which is required to be labeled. *Dorsey vs. State*, 38 Tex. C. Rep. 527.

ADULTERATED FOOD. When there is no evidence that the defendant knew that the food was adulterated and that he offered it for sale, the conviction should not be sustained. *Cantee vs. State* (Tex.) 10 S. W. 757.

ADULTERATION. Where the statute requires in order to sustain conviction that the seller shall have knowledge of the adulteration, the same must be shown. *Sanchaz vs. State*, 27 Tex. App. 14; *Cantee vs. State* (Tex.) 10 S. W. 757.

DISEASED FLESH. It is not only necessary,

in order to convict one of selling diseased flesh, to show that the flesh was diseased, but also that the defendant had knowledge of the fact. *Teague vs. State*, 25 Tex. App. 577.

MEAT. In order to convict a person for slaughtering or selling the flesh of any diseased animal under an act making it unlawful to knowingly slaughter for food any diseased animal or sell the same it must be shown that he knew at the time of the sale that the meat was diseased. *Teague vs. State* (Tex.) 8 S. W. 667.

FOOD MIXTURES. A statute which provides that if certain named nutritious and wholesome articles of food are mixed or combined, the product must be labeled showing the component elements thereof, is valid; but one which embraces all articles of food or drink is too general in its terms and cannot be enforced. *Dorsey vs. State*, 38 Tex. C. Rep. 547.

PURE FOOD LAWS OF UTAH.

The Food and Dairy Laws of the State of Utah are enforced by a Dairy and Food Commissioner.

Maroni Heiner is the present State Dairy and Food Commissioner. His office is in Salt Lake City.

A digest of the laws which he is required to enforce is as follows:

Sec. 2446. Creates the office of State Dairy and Food Commissioner. The governor shall appoint such commissioner for two years. His salary shall be \$600 per annum and necessary expenses, provided they shall not exceed \$300 per annum.

Sec. 2447. It is the duty of the Commissioner to enforce the laws hereinafter set forth, and such as may be enacted from time to time on the subject of articles of food or drink or drugs. He shall inspect cheese and butter factories and enforce proper sanitary regulations and investigate charges relating to the feeding or keeping for the purpose of feeding any unwholesome food for cattle, or keeping cattle afflicted with any contagious or infectious disease. He shall prosecute for violations of these laws.

Sec. 2448. Said commissioner has power to enter into any creamery, factory, store, sales-room, or other place of business or building in which any food or drug or drink is made or sold, and to open any cask, tub, package, or receptacle of any kind containing such article and to examine or cause the same to be examined and analyzed; and the commissioner may seize articles of food, drink or drug for analysis, provided that he shall seal two samples upon request of the owner of the article in the presence of such person from whom taken, giving one to said person and the other shall be retained by him for analysis. Any person obstructing the commissioner or refusing him entrance to any article of food or drink or drug offered for sale when the same is requested or the value thereof tendered him is guilty of a misdemeanor punishable by a fine not exceeding \$25 for the first offense and \$500 nor less than \$50 for each subsequent offense.

Sec. 2449. The county attorney of the county in which the prosecution shall be begun shall render legal assistance to the commissioner. Fines shall be paid to the State Treasurer.

Sec. 2450. Said Commissioner shall make biennial report to the governor containing full account of the proceedings of his office and the expense thereof.

MILK.

Sec. 729. Every person who shall sell, furnish or deliver or possess with intent to do so, as pure, wholesome or unskimmed any unmerchantable, adulterated, impure or unwholesome milk, shall upon conviction thereof be punished by a fine of not less than \$10 nor more than \$100 for each offense.

Sec. 730. In prosecutions under this law relating to the sale or furnishing of milk if it shall be proven that the milk sold, offered for sale, furnished, delivered or possessed with intent to sell as pure, wholesome and unskimmed has been adulterated or diluted or any part of its cream abstracted, or that it is drawn from any cow within 20 days before or 5 days after parturition, or from any cow that has any disease or ulcers or running sores, and in either case all milk shall be held and adjudged to have been unmerchantable, adulterated, impure or unwholesome, as the case may be.

Sec. 731. Prohibits the sale, exchange, or delivery or possession of milk from which the cream or any part thereof has been removed, unless there is placed in a conspicuous place above the center and upon the outside of every vessel, can or package from which said milk is sold the words "Skimmed Milk" in uncondensed Gothic letters not less than one inch in height. Skimmed milk shall not contain less than 9 per cent of milk solids exclusive of fats. It is a misdemeanor to violate this section, punishable by a fine of not less than \$10 nor more than \$100 for each offense.

Sec. 732. Proofs of adulteration and skimming may be made with standards, tests and lactometers as are used to determine the quality of milk, or by chemical analysis.

Sec. 733. Any person who shall sell, consign or have in possession with intent to sell or dispose of, to any person or persons any milk, cream, butter, cheese or dairy product, or who shall deliver to any creamery or cheese factory milk or cream to be manufactured into butter or cheese to which boracic acid, formaldehyde, or to which any other antiseptics have been added, shall be guilty of a misdemeanor, and upon conviction thereof be punished by a fine not less than \$10 nor more than \$100 for each and every offense.

Sec. 734. Prohibits the manufacture, sale or consignment or possession of any cheese manufactured from or by the use of skimmed milk to which has been added any fat which is foreign to such milk.



MORONI HEINER,
Utah State Dairy and Food Commissioner.



HERMAN HARMS,
Utah State Chemist.

UTAH DAIRY AND FOOD COMMISSION.

Sec. 735. Prohibits the manufacture, sale or consignment or possession of any skimmed milk cheese or cheese manufactured from milk from which any of the fats originally contained therein have been removed, unless such cheese be not less than 9 nor more than 11 inches in diameter, and not less than 4 inches in height.

Sec. 736. Prohibits the manufacture, sale, consignment or delivery or possession of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, and without the admixture of any fat foreign to said milk or cream, which shall be an imitation of yellow butter produced from pure unadulterated milk or cream, with or without coloring matter, provided this section shall not be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from colorations or ingredients that cause it to look like butter, and free from any word, brand or mark intended to deceive the purchaser or consumer.

Sec. 737. It is unlawful to sell to any person for butter any oleomargarine, butterine, or any substance made in imitation or semblance of pure butter, and not made entirely from milk of cows, with or without coloring matter.

Sec. 738. It is unlawful for any person to expose for sale oleomargarine, butterine, or any substance not marked or distinguished on the outside of each tub, package or parcel thereof by placard with the words "Oleomargarine" or "Butterine," in each case to be printed in plain, uncondensed Gothic letters not less than 1 inch long and containing no other words thereon.

Sec. 739. It is the duty of every person who sells oleomargarine, butterine or similar substance from any dwelling, store, office or public mart to have conspicuously posted thereon a placard or sign in letters not less than 4 inches in length "Oleomargarine sold here" or "Butterine sold here." Such placard shall be approved by the Dairy and Food Inspector of the town or city, or, in his absence, by the county clerk, city recorder, or town clerk.

Sec. 740. It is unlawful to peddle, sell or solicit orders for delivery from any cart, wagon, or vehicle, of oleomargarine, butterine or similar substance without placarding said wagon, cart or vehicle in uncondensed Gothic letters not less than 3 inches in length with the words "Oleomargarine" or "Butterine."

Sec. 741. It is unlawful to furnish in any hotel, boarding house, restaurant or lunch counter, oleomargarine, butterine or similar substance, to any guest or patron of such place without first notifying said person that the

substance so furnished is not butter.

Sec. 742. It is a misdemeanor to violate any of the eight preceding sections of this title, punishable for the first offense by a fine of not less than \$25, and for each subsequent offense not less than \$50, or imprisonment in the county jail for not less than 10 days, or both.

Sec. 743. Prohibits the use of butter or cheese not made wholly and directly from pure milk or cream, salt and harmless coloring matter in any charitable or penal institution. For a violation of this section the punishment is fixed at a fine of not less than \$25 nor more than \$50 for the first offense, and for each subsequent offense not less than \$50 nor more than \$100, or imprisonment in the county jail not less than 10 nor more than 60 days, or both.

Sec. 744. Whenever any complaint is made or brought before any authorized magistrate that imitation butter or imitation cheese or any such substance designed to be used as butter or cheese is in the possession or control of any person in violation of law he shall issue a warrant for such property.

Sec. 745. All warrants shall describe and designate the place and property to be searched for, and be directed to the sheriff or his deputy or a constable of the county commanding such officer to search the place where imitation butter or imitation cheese is believed to be concealed and bring the person possessing same before some magistrate having cognizance of the case.

Sec. 746. Provides for the disposition of property under seizure, and for furnishing to any authorized person samples thereof for analysis, also provides for recording of such analysis and payment of costs thereof.

IMPURE VINEGAR.

Sec. 4283. Prohibits the manufacture or sale or possession with intent to sell of any vinegar containing any preparation of lead, copper, sulphuric acid or other ingredients injurious to health.

ADULTERATED VINEGAR.

Sec. 4284. Prohibits the sale, exchange or delivery or possession with intent to sell of any adulterated vinegar or vinegar not in compliance with the provisions of this act. Nor shall any person label, brand or sell as cider vinegar or as apple vinegar any vinegar not the legitimate product of pure apple juice or not made exclusively from apple cider.

Sec. 4285. All manufacturers of vinegar and persons who reduce or rebarrel vinegar, or handle vinegar in lots of one barrel or more, are required to have stenciled or marked in black letters and figures at least one inch in length on the head of each barrel or package

of vinegar bought or sold the name of the manufacturer and place where manufactured, kind of vinegar, cider, malt, grain or wine, and standard strength of the vinegar contained in such package or barrel, which shall be denoted by the per cent of acetic acid. All vinegar, except cider, shall have an acidity equivalent to the presence of not less than $4\frac{1}{2}$ per cent by weight of absolute acetic acid, and in case of cider vinegar shall contain not less than 2 per cent by weight of cider vinegar solids upon full evaporation over boiling water.

Sec. 4268. No retailers who sell vinegar by the gallon shall reduce by water or other mixture the strength of vinegar purchased and sold by them, unless he shall mark in plain figures on said package or barrel the strength of the vinegar contained in such package or barrel.

Sec. 4287. Whoever violates and of the provisions of the four next preceding sections shall be guilty of a misdemeanor, and all vinegar found in his possession not in accordance with said sections shall be forfeited.

ADULTERATED FOOD, DRINK OR DRUG.

Sec. 4288. Every person who adulterates

any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article useful in compounding them, with a fraudulent intent to offer the same, or cause or permit it to be offered for sale as adulterated or diluted, and every person who sells or keeps or offers for sale the same as unadulterated or undiluted is guilty of a misdemeanor.

CANDY.

Sec. 4289. Any person who shall manufacture for sale any candy adulterated by the admixture of tera alba, baryta, talc, or other like substances, or by poisonous colors or flavors or other matters deleterious to health, shall be punished by a fine not exceeding \$500 nor less than \$50 and the candy so adulterated shall be forfeited.

Sec. 4290. Whoever knowingly sells, keeps or offers for sale, or disposes of, any article of food, drink, drug or medicine knowing that the same has become tainted, decayed, spoiled or otherwise unfit to be eaten or drunk, with intent to permit the same to be eaten or drunk, is guilty of a misdemeanor.

DAIRY AND PURE FOOD LAWS OF VERMONT.

The State of Vermont has no Dairy or Food Department, nor is any department of state specifically charged with the enforcement of the laws in force against the adulteration of dairy and food products. Violations of those laws are misdemeanors, and as such punishable as other misdemeanors in the state. These laws may be invoked by any person, or by the Prosecuting Attorneys, or other proper officers of the state.

The digest of the laws is as follows:
STATUTES OF 1894, CHAPTER 182,
TITLE 29.
MILK.

Section 4300. The standard of milk shall be wine measure.

CHAPTER 183. MANUFACTURE AND SALE OF PRO- VISIONS.

MILK AND CHEESE.

Sec. 4327. As amended by act No. 67, page 45, laws of 1900:

Any person who sells, furnishes or possesses with intent to sell milk diluted with water, adulterated or not of good standard quality, or from which the cream or a part has been taken, or keeps back part of the milk known as "strippings," or milk or cream treated with chem-

icals, shall for each offense be fined not more than \$300 and not less than \$50.

Sec. 4328. In all creameries and cheese factories in this state, milk containing four per cent of butter fat shall be the standard used as a paying basis.

Sec. 4329. In prosecutions under the second preceding section, where the ordinary means of proof are not available or sufficient, sealed samples of the milk sold or furnished or kept with intent so to do taken from such milk in the presence of at least one disinterested witness with the knowledge and in the presence of the person or his agent so selling, or furnishing, or possessing with intent to sell or furnish said milk, may be sent to the State Agricultural station to be tested. The results thereof shall be deemed competent evidence in such prosecutions, but shall not exclude other evidence.

Sec. 4330. Said samples shall be placed in tin or glass vessels securely sealed with a label thereon, stating the time when and place where the sample was taken, from whose milk taken, and signed by the person taking the same, and by one or more disinterested witnesses. Upon request a like sample shall be given such person or his agent, for which a receipt shall be

given to the person taking or drawing the same.

Sec. 4331. Standard milk shall contain not less than 12½ per cent of solids, and not less than nine and one-quarter of total solids, exclusive of fat, except in the months of May and June, when it shall contain not less than 12 per cent of total solids. This rule shall govern tests made at the experiment station and an officer or employe thereof found guilty of fraud in making a test shall be fined \$1,000.

Sec. 4332. A person who makes or otherwise designates as "creamery" butter or cheese, or the packages in which it is contained, when such butter or cheese is not manufactured at a creamery, or sells any such butter or cheese so marked, shall be fined not more than \$300 nor less than \$50, provided a person may brand, mark or designate the product of his dairy as "Private Creamery," and in such case the name of the maker shall be plainly marked on each package.

Sec. 4333. Justices shall have jurisdiction of the preceding sections.

LARD.

Sec. 4334. No person, by himself or otherwise, shall prepare, sell or expose for sale lard or any substance intended for use as lard, containing any ingredient, but the pure fat of swine in any tierce, bucket, pail or package, under a label, bearing the words "pure," "refined" or "family" alone, or in combination with other words, unless the package containing same bears upon the outside, in letters not less than one-quarter of an inch long, the words "Compound lard."

Sec. 4342. A violation of the preceding section is punishable by a fine of \$50 for each offense.

GRAIN.

Sec. 4343. Any person who shall adulterate any kind of meal or ground grain with offal, or any substance whatever for purposes of sale, unless the true composition, mixture or adulteration thereof is plainly marked and indicated upon the package containing same, or in which it is offered for sale; and any person who knowingly sells, or offers for sale any meal or ground grain so adulterated unless the true composition, mixture of adulteration is plainly marked or indicated upon the package containing the same, or in which it is offered for sale, shall be fined not less than \$25 and not more than \$100 for each offense, one-half thereof to go to complainant.

MAPLE SUGAR AND HONEY.

Sec. 4344. A person who adulterates maple sugar, maple syrup or bees' honey with cane sugar, glucose or any other substance whatever for the purpose of sale, or knowingly sells ma-

ple sugar, maple syrup or bees' honey that has been adulterated, shall be fined not more than \$200 and not less than \$50 for each offense, one-half thereof to go to complainant.

CANDY.

Sec. 4345. A person who shall adulterate candy with terra alba, baryta, talc or other substance detrimental to health, or knowingly sell or offer for sale candy so adulterated, shall be fined not more than \$100 and not less than \$50 for each offense.

CHAPTER 222, TITLE 32. ADULTERATED PROVISIONS.

Sec. 5073. Any person who knowingly sells diseased, corrupted or unwholesome provisions for food or drink shall be imprisoned not more than six months or fined not more than \$300.

Sec. 5074. Any person who kills with intent to sell the meat thereof for family use a calf less than four weeks old, or knowingly sells or possesses with intent to sell such meat, in the state, or sends the same for use to any foreign market, shall be punished as provided in the preceding section.

Sec. 5075. A person who fraudulently adulterates for the purpose of sale, bread or liquor or any substance intended for food or drink with any substance injurious to health, or knowingly sells such adulterated substance shall be imprisoned in the state prison not more than two years and fined not more than \$300, and the articles so adulterated shall be forfeited and destroyed.

Sec. 5076. Any person who fraudulently adulterates for the purpose of sale any drug or medicine so as to render it injurious to health, or sells the same knowing it to be adulterated shall be imprisoned in the state prison not more than two years or fined not more than \$400, and such adulterated article shall be forfeited and destroyed.

CHAPTER 215, TITLE 32.

Sec. 4975. A person who knowingly sells or furnishes milk diluted with water or adulterated shall forfeit to the person to whom such milk is sold or furnished not more than \$100 and not less than \$25.

Sec. 4976. A person who knowingly sells, supplies or brings to be manufactured to a butter or cheese manufactory in the state, milk diluted with water or adulterated, or milk from which the cream has been taken, or keeps back part of the milk known as "strippings," or knowingly brings milk to a butter or cheese manufactory that is tainted or partly sour from want of care in keeping the strainers or vessels in which said milk is kept clean and sweet; or a butter or cheese manufacturer who knowingly uses cream from the milk brought to said butter or cheese manufacturer without the con-

sent of the owners thereof, shall forfeit not more than \$100 nor less than \$25 for the benefit of those upon whom said fraud is committed.

LAWS OF 1892, PAGE 62.
MILK AND CREAM.

Sec. 1. All bottles, pipettes or other measuring glasses used by any person at any creamery, butter factory, cheese factory or condensed milk factory, or elsewhere, in determining by the Babcock test or any other test the value of milk or cream received from different persons at such creameries or factories shall, before such use be tested for accuracy of measurement and for accuracy of the per cent scale mark thereon. It shall be the duty of the superintendent of the Dairy School of the University of Vermont and State Agricultural College to designate some competent person to test the accuracy of such bottles, pipettes or other measuring glasses. Such persons shall mark such bottles, pipettes or measuring glasses as are found correct in marks or characters which cannot be erased, which marks or characters shall stand as proof that they have been tested; and no incorrect bottles, pipettes or other glasses shall be thus marked.

Sec. 2. Every person who shall manipulate a Babcock test or other test, whether mechanical or chemical for the purpose of measuring the contents of butter fat in milk or cream, or as a basis for apportioning the value of such milk or cream, or the butter or cheese thereof, shall secure a certificate from the Superintendent of the Dairy School of the University of Vermont, and State Agricultural College that he is competent to perform such work. The fee for issuing such certificate shall not exceed one dollar. A violation of any of the preceding sections is punishable by a fine of not more than \$25 for the first offense, nor more than \$50 for a subsequent offense. It is the duty of every sheriff, deputy sheriff and constable to institute complaint against offenders hereunder. One-half of said fine to go to complainant.

CREAMERIES AND CHEESE FACTORIES.

Sec. 1. Every owner or proprietor of a creamery shall monthly make and deliver to the patrons thereof a statement of the number of pounds of milk or cream they delivered for that month, with the test, pounds of butter fat, gain per cent from the churn, and actual pounds of butter produced from such milk; and the price paid for same shall be computed on the actual pounds of butter.

Sec. 2. Any owner or proprietor of a creamery who disposes of any milk received at such creamery shall weigh and carefully sample the same and test such samples for the purpose of

ascertaining the number of pounds of butter fat in such milk sold or otherwise disposed of and the gain per cent which is found to be the gain from the churn for that month shall be the one used in ascertaining the actual number of pounds of butter produced from such milk sold or disposed of.

Sec. 3. The owner or proprietor of any cheese factory in this state shall make and deliver to each of the patrons of such factory a statement of the number of pounds of milk he delivers for each month, with the test and actual number of pounds of cheese produced by such milk for said month, and the price paid for same shall be computed on the actual number of pounds of cheese.

Sec. 4. Every owner or proprietor of a creamery shall make a statement each month of the total number of pounds of milk received for that month, together with the gain per cent from the churn, and actual number of pounds of butter produced from said milk and cream.

Sec. 5. The statement mentioned in the preceding sections shall be posted in a conspicuous place in said creameries.

Sec. 6. Any manager or proprietor of any creamery or cheese factory, who refuses or neglects for the space of ten days to comply with the provision of this act, shall forfeit to any person requesting him so to do, the sum of \$10 for each such refusal or neglect.

SESSION LAWS OF 1900, PAGE 45.
MILK TICKETS.

Sec. 1. All retail dealers in milk, who use so-called "milk tickets" shall have the same printed in coupon sheets of convenient size to furnish customers, which shall be taken up by tearing off coupons from the sheet, which coupons shall be immediately destroyed.

Sec. 2. Any person using any of such coupons the second time shall be fined \$5 for each offense.

Sec. 3. This act shall take effect January 1, 1901.

SESSION LAWS OF 1900, PAGE 46.
DAIRY PRODUCTS AND THEIR IMITATIONS.

Sec. 1. Whoever, by himself or otherwise, sells, exposes for sale, or who possesses with intent to sell any article made in imitation or semblance of butter, or as a substitute for butter, not made exclusively and wholly of milk or cream, containing any fats, oils or grease not produced from milk or cream, shall have the words "Imitation butter," or if such substitute is the compound known as "oleomargarine," then the word "Oleomargarine," or if it is known as "butterine," the word "Butterine," stamped, labeled or marked in a straight line in plain letters of uncondensed Gothic

type, of not less than one-half inch in length, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin and box or package containing any of said substance or compound. The stamp, label or mark shall contain no other words. Whoever, by himself or otherwise, exposes or offers for sale any such article not in the original package, shall attach to said article in a conspicuous place a label bearing the words "Imitation butter," "Oleomargarine" or "Butterine" in printed letters of plain and uncondensed Gothic type of not less than one-half inch in length. In case of retail sales of such article or substance, not in the original packages, the seller shall attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place on the outside of the package the words "Imitation butter," "Oleomargarine" or "Butterine," and no other words, in printed letters, in a straight line of plain, uncondensed Gothic type not less than one inch in length.

Sec. 2. Whoever sells, exposes or possesses with intent to sell any article made in imitation or semblance of cheese, or a substitute therefor, not made exclusively of milk or cream, containing any fats, oils or grease not produced from milk or cream shall have the words "Imitation cheese" stamped, labeled or marked in printed letters of plain Roman type, not less than one-half inch in length, so that they cannot be easily defaced, upon the side of every cheese cloth or band around the same, and upon the top and side of every tub, firkin, box or package containing such substance. In case of retail sales of such substances, not in original packages, the seller shall attach to each package so sold, and deliver therewith to the purchaser, a label or wrapper, bearing in a conspicuous place upon the outside of the package

the words "Imitation cheese" in printed letters of plain Roman type of not less than one-half inch in length.

Sec. 3. Whoever sells or exposes for sale or possesses with intent to sell any article or compound made in imitation of butter, cheese, or a substitute therefor, except as provided in the two preceding sections, or with intent to deceive, defaces or removes any mark, stamp, label or wrapper provided for in said sections, or shall falsely label, stamp or mark any box, tub, article or package, marked, etc., as aforesaid, shall for each offense forfeit to the city or town where the offense was committed \$100 and for a second and subsequent offense \$200.

Sec. 4. Whoever sells, exposes for sale or possesses with intent to sell any article made in imitation of butter or a substitute therefor, not made exclusively of milk or cream, containing any fats, oils or grease not produced from milk or cream, contained in any box, tub, article or package, marked or labeled with the word "dairy" or "creamery," or the name of any breed of dairy cattle, shall for each offense forfeit to the city or town where same was committed \$100, and for a subsequent offense \$200.

Sec. 5. The terms "butter" and "cheese" shall mean the products which are usually known by these names manufactured exclusively from milk and cream with salt and rennet, with or without coloring matter.

Sec. 6. Provides that the Prosecuting Attorney shall institute complaints for violation hereof upon information of any person. He may enter any place where butter or cheese is stored or kept for sale and take specimens of suspected butter and cheese and cause them to be analyzed or otherwise tested, and preserve a record of the result thereof. The expenses of such analysis shall not exceed \$20 in any one case, to be included as costs.

PURE FOOD LAWS OF VIRGINIA.

The State of Virginia has no dairy or food commission, but the State Board of Agriculture has supervisory powers over the administration of the laws against the adulteration of articles of food and drink.

G. W. Koiner is Commissioner of Agriculture.

A digest of the laws is as follows:

CHAPTER 186.

UNWHOLESOME PROVISIONS AND ADULTERATING FOOD, ETC.

Sec. 3811. If any person knowingly sells any diseased, corrupt or unwholesome provisions, whether for meat or drink, without making the same known to the buyer he shall

be confined in jail not exceeding six months, or fined not exceeding \$100.

Sec. 3812. If any person fraudulently adulterates for the purpose of sale any drugs, medicine or article of food or drink with any substance injurious to health, or intended to increase the weight or the quantity of such food or drink, he shall be confined in jail not exceeding one year, and fined not exceeding \$500, and the adulterated article shall be forfeited.

INSPECTION OF CERTAIN ARTICLES OF FOOD.

CHAPTER 84.

Sec. 1844. Provides for the appointment of inspectors by the Government in the several

counties, cities and towns in which it may be necessary to appoint such inspectors. Said inspectors may be appointed of any of the following commodities: Flour, cornmeal, bread, salt, fish, pork, beef * * * butter and lard.

Sec. 1846. Such inspectors may appoint one or more deputies to assist them.

FLOUR.

Sec. 1850. All wheat flour offered for inspection shall be well bolted and merchantable, of due fineness and without mixture of coarser grain or other grain than wheat, and all cornmeal so offered shall be well sifted, made of corn, well kiln dried and merchantable, of due fineness and without mixture of any other material.

Sec. 1851. Provides how barrels containing flour, meal and bread shall be made.

Sec. 1852. Each barrel of flour or cornmeal shall contain 196 pounds of flour or meal, and each half barrel 98 pounds. In case of a deficiency of quantity the person offering the same for inspection shall forfeit eight cents for each pound of such deficiency not exceeding three, and 17 cents for each pound over three.

Sec. 1853. All foreign flours shall be reviewed and inspected.

Sec. 1854. Provides a fine of \$5 for each barrel of flour sold or offered for sale without being inspected.

Sec. 1856. Provides how barrels containing beef and pork shall be made.

Sec. 1857. Provides how barrels containing salt shall be made.

Sec. 1862. Every manufacturer of flour, cornmeal, bread or salt for exportation shall brand or mark distinctly each barrel of flour, meal or bread so that it may be distinguished as his. Prohibits the use of more than one such brand or mark within a year from the first day of June annually, other than a private mark indicating the quality of the article. A violation of the foregoing section is punishable by a fine of fifty cents, and if any person wilfully puts a false tare or weight on any barrel, box or package he shall forfeit one dollar for each barrel, etc.

Sec. 1865. Flour shall be branded as either "family flour," "extra fine," "superfine," "fine" or "middlings," cornmeal with the words "fine meal;" bread with the words "fine bread;" *provided* said articles are adjudged to be merchantable and properly packed.

ALUM SALT.

Sec. 1866. Alum salt shall be branded with the words "alum salt."

BUTTER AND LARD.

Sec. 1871. Each inspector of butter or lard shall examine or provide for inspection of tubs,

firkins, kegs, or barrels, exceeding in weight fifty pounds and brand the same, if fit to pass, with the number, "1," "2," "3," as he may judge it to be of first, second or third quality.

ADULTERATED MILK.

Sec. 11899. Whoever shall knowingly sell, supply or bring to be manufactured to any cheese or butter manufactory in this state any milk diluted with water or in any way adulterated, or any milk from which any cream has been taken, or milk commonly known as "skimmed milk," or whoever shall keep back what is known as "strippings," or knowingly bring to any cheese manufactory milk that is tainted or partly sour from want of proper care in keeping clean any vessel in which said milk is kept, after proper notice of such carelessness, or any cheese manufacturer who shall knowingly use or direct any of his employees to use, for his or their individual benefit, any cream from the milk brought to said cheese manufacturer without the consent of the owners thereof shall for each offense forfeit not less than twenty-five and not more than one hundred dollars to be recovered by any person upon whom such fraud is committed.

OLEOMARGARINE.

Sec. 1900. Every person who shall manufacture for sale, or offer or expose for sale any article in semblance of butter or cheese not the legitimate product of the dairy, not made exclusively of milk or cream, into which the oil or fat of animals not produced from milk enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon every tub, firkin, box or package of such article or substance, the word "Oleomargarine" in plain Roman letters, not less than one-half inch square, placed horizontally in proper order, thus: "Oleomargarine." In all cases of retail sales of such article, the seller shall deliver therewith to the purchaser a written or printed label, bearing the plainly written or printed word "Oleomargarine" in type of letters as aforesaid; every sale of such article not so stamped, printed, marked or labeled shall be void and no action maintain for the price thereof.

Sec. 1901. A violation of the preceding section is punishable by a fine of \$100; one-half to go to the informer, the other half to go to the commonwealth, for every offense. On the trial of such offense, proof of the sale, or proof of exposure alleged shall be affirmative evidence of knowledge of the character of the article.

SESSION LAWS OF 1897 AND 1898,

PAGE 493.

ADULTERATION OF FLOUR.

Sec. 1. No person shall hereafter adulterate

wheat flour by the addition of corn starch, corn flour, barley flour or other adulteration, nor manufacture, sell or exchange or possess with intent to sell or exchange any wheat flour adulterated with corn starch, corn flour, barley flour or other adulteration, nor receive or solicit any order for the manufacture, sale, exchange or delivery within this State of any wheat flour adulterated with corn starch, corn flour, barley flour or other adulteration, unless he or they plainly and durably stamp, brand or mark each package, parcel, box or barrel containing such adulterated wheat flour with the word "Combination," and beneath this word shall be plainly stamped on every barrel, etc., the name and percentage of each ingredient used therein. Every person who shall fail to so stamp each box., etc., or misstate the percentage of every ingredient in such combination, shall be punished by a fine of not less than twenty-five dollars nor exceeding one hundred dollars for each offense, or imprisoned not less than sixty days, or both.

Sec. 2. Possession by any person, either as manufacturer, merchant or retail dealer, of any packages, parcels or boxes containing any of the combination flour, defined by this act, not plainly and durably marked with the word "Combination" shall be *prima facie* evidence that the order upon which said flour was obtained was for such flour; *Provided*, if any packages, etc., containing combination flour shall be plainly and durably marked as required by the provisions of this act before or when the same are sold or exchanged, then the person so selling or exchanging shall be exempt from the penalties of this act.

Sec. 3. This act shall take immediate effect.

CHAPTER 146, PAGE 147, LAWS OF 1897
AND 1898, AS AMENDED AND RE-
ENACTED BY CHAPTER 908,
PAGE 1006, LAWS OF 1899
AND 1900.
BUTTER.

Sec. 1. No person shall render or manufacture, sell or offer or expose for sale, or possess with intent to sell, any article made, wholly or partly, from any fat, oil, or oleaginous substance or compound thereof, not produced from unadulterated milk or cream, which shall be an imitation of yellow butter produced from pure unadulterated milk or cream, provided nothing herein shall prohibit the manufacture or sale of oleomargarine, butterine or kindred compounds in a separate and distinct form in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Sec. 2. It shall be unlawful for any inspector of any hotel, tavern, boarding house, bakery, restaurant, saloon, lunch counter or place of public entertainment to use oleomargarine, butterine, or kindred compound in baking, making of bread, cakes, etc., meat, or other edibles, or serve same to guests or patrons without first posting in their respective bakeries, stores, etc., in a conspicuous public place, in Roman letters, not less than one inch square, a sign or placard with the inscription, "Imitation Butter Used Here."

Sec. 3. A violation of Section 1 or 2 is punishable by a fine of not less than fifty dollars, nor more than two hundred and fifty dollars or imprisonment not exceeding six months.

Sec. 4. It is the duty of the Secretary of Agriculture of this State to have samples taken of butter, oleomargarine or butterine or any adulteration of butter wherever offered for sale in the State, and have the samples analyzed by a chemist employed by the State Commissioner of Agriculture. It is the duty of said commissioner if he finds such article adulterated to so report to the Commonwealth attorney of the place where such sample was taken. A copy of said chemist's analysis when certified by him shall be admissible as evidence.

Sec. 5. Confers jurisdiction to impose penalties upon Justices of the Peace.

CHAPTER 56, PAGE 50, LAWS OF 1897
AND 1898.
CANDY.

Sec. 1. No person shall manufacture for sale, or knowingly sell, or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or other mineral substance or poisonous colors or flavors, or other ingredients deleterious to health.

Sec. 2. A violation of this act is punishable by a fine not exceeding two hundred dollars, nor less than twenty dollars. Candy so adulterated shall be forfeited and destroyed.

SUPPLEMENTAL TO THE CODE OF
VIRGINIA, 1898.
ADULTERATION OF BUTTER AND
CHEESE.

Sec. 1899. No person shall manufacture out of any oleaginous substance, or any compound of the same, other than that produced from unadulterated milk or cream, any article designed to take the place of butter or cheese produced from pure unadulterated milk or cream, or sell or offer to sell the same as an article of food. This provision shall not apply to pure skimmed milk cheese made from pure skimmed milk. A violation of this section is punishable by a fine of not less than fifty dollars, nor more than one hundred dollars for the first offense, and not less than one hundred dollars, nor more

than five hundred dollars for a subsequent offense.

Sec. 2. No person directly or indirectly shall render or manufacture out of any animal fat, or animal or vegetable oils, not produced from unadulterated milk or cream from the same, any article in imitation or semblance of natural butter or cheese produced from pure unadulterated milk or cream of the same; nor compound or add to milk, cream or butter any acids or other deleterious substance, or any animal fat or animal oil not produced from milk or cream, so as to produce any article or substance or any human food in imitation of natural butter or cheese, nor sell, keep nor offer for sale any article made in violation of the provisions of this section, whether such article be made in this State or elsewhere. A violation hereof is a misdemeanor, punishable by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense, and not less than one hundred dollars, nor more than two hundred dollars for a subsequent offense. Nothing in this section shall impair the provisions of the first section of this act.

Sec. 3. No person shall manufacture or mix with, or add to, natural milk, cream or butter, any animal fats or animal or vegetable oils, nor manufacture any oleaginous substance not produced from milk or cream with intent to sell the same for butter or cheese made from adulterated milk or cream, or possess same with intent to sell; nor shall any article so made be sold intentionally or otherwise for butter or cheese, the product of the dairy. No person shall coat, powder or color with annatto, or any coloring matter whatever, butterine or oleomargarine, or any products made in whole or in part from animal fats or animal or vegetable oils not produced from unadulterated milk or cream, whereby said product shall resemble butter or cheese, the product of the dairy; or possess same with intent to sell. A violation of the provisions of this section is a misdemeanor, punishable by fine as in the last preceding section. This section shall not impair the effect of the two preceding sections.

Sec. 4. No keeper or proprietor of any bakery, hotel, tavern, boarding house, restaurant, saloon or place of public entertainment shall keep or serve therein, either as food for their guests, or for cooking purposes, any article made in violation of sections one, two and three hereof. A violation of this section is a misdemeanor, punishable by a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

Sec. 5. Confers jurisdiction to impose fines in the same court that exercises jurisdiction of all other criminal cases.

SESSION LAWS OF 1899-1900, PAGE 694. ADULTERATED FOOD.

Sec. 1. Provides that for the purpose of protecting the people from imposition by adulteration and misbranding of articles of food, the Board of Agriculture shall cause to be procured from time to time, under rules and regulations to be prescribed by them, in accordance with section 9 of this act, samples of food, beverages and condiments offered for sale in the State, and cause same to be analyzed. The Board of Agriculture is hereby ordered to make such publication of the results of the examinations and so forth, as they deem proper.

Sec. 2. No person shall directly or indirectly knowingly manufacture, sell, or possess with intent to sell, any article of food adulterated or misbranded within the meaning of this act. Any person violating the provisions hereof shall for such offense be fined not exceeding two hundred dollars for the first offense, and not exceeding three hundred dollars, or confined in jail not exceeding one year, or both, for a subsequent offense.

Sec. 3. The chemists or other experts of the Department of Agriculture shall make examination of specimens of food, beverages and condiments offered for sale in Virginia, which may be collected from time to time. If it appear that any of the provisions hereof have been violated, from such examination, the Commissioner of Agriculture shall certify the fact to the commonwealth attorney for the city or county in which the offense shall have been committed, and furnish such officer with a copy of the results of the analysis duly verified.

Sec. 4. It is the duty of every commonwealth attorney to whom the Commissioner of Agriculture reports any violation of this act to prosecute therefor.

Sec. 5. The term "food," as used herein, shall include all articles of food, candy, condiment or drink used by man or domestic animals, whether simple, mixed or compounded. The term "misbranded" shall include all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement purporting to name any ingredient as being contained or not being contained in such article, which statement shall be false in any particular.

Sec. 6. For the purpose of this act an article shall be deemed adulterated:

1. If any substance has been mixed or packed with it, so as to reduce or injuriously affect its quality or strength, so that when offered for sale it shall deceive or tend to deceive the purchaser.

2. If any inferior substance has been substituted, wholly or in part for an article so that

the product when sold shall deceive or tend to deceive the purchaser.

3. If any valuable constituent has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

4. If it is an imitation of and sold under the specific name of another article.

5. If it be mixed, colored, coated, polished or stained, in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

6. If it contains any added poisonous ingredient which may render it injurious to health.

7. If it be labeled so as to deceive or mislead the purchaser, or purport to be a foreign product when branded so, or an imitation either in package or label of an established proprietary product which has been trade marked, or patented.

8. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any part of an animal unfit for food, whether manufactured or not; or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter.

9. That candies and chocolates may be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous colors or flavors, or other ingredients deleterious to health; *provided*, an article of food, beverage or condiment which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of articles, mixtures or compounds, which may now or from time to time hereafter, be known as articles of food, beverages, or condiments under their own distinctive names, and not included in definition 4th of this section.

2. In the case of articles labeled, branded or tagged, so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends.

3. When any matter or ingredient has been added to a food, beverage or condiment, because the same is required for the protection or preparation thereof, as an article of commerce, in a state fit for carriage or consumption and not fraudulently to increase the bulk weight, or measure, of a food, beverage or condiment, or conceal an inferior quality thereof, provided the same shall be labeled, branded or tagged as prescribed by the Board of Agriculture, so as to show them to be compounds and the exact character thereof; *provided, further*, nothing in this act shall be construed as requiring manufac-

turers of proprietary foods to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation; *provided, further*, that the provisions of this act shall not be construed to apply to proprietary or patent medicine; *provided*, that it shall not apply to baking powders containing starch, wheat flour, bi-carbonate of soda and exsiccated alum, but it shall apply to any baking powder containing any other ingredient than those specifically named above, which may upon analysis be found deleterious to health.

4. Where the food, beverage or condiment is unavoidably mixed with some harmless or extraneous matter in the process of collection or preparation; *provided*, no person shall be convicted under the provisions of this act when he is able to prove a written guarantee of purity in the form approved by the Board of Agriculture as published in their rules and regulations, signed by the wholesale jobber, or party from whom he purchased said article.

Sec. 7. The Board of Agriculture is hereby authorized to cause all compounds, mixed or blended products, to be properly branded and prescribe how this shall be done.

Sec. 8. It shall be the duty of the Board of Agriculture to prepare and publish from time to time lists of the articles, mixtures or compounds declared to be exempt from the provisions of this act in accordance with section 6. The Board of Agriculture shall also, from time to time, fix and publish the limits of variability permissible in any article of food, beverage or condiment, and these standards when so published shall remain the standards before the courts; *Provided*, that when standards have been fixed by the Secretary of Agriculture of the United States they shall be accepted by the Board of Agriculture and published as the standards for Virginia.

Sec. 9. Every person who exposes for sale, or delivers to a purchaser, any condiment, beverage or food, shall furnish within business hours, and upon tender of the selling price thereof, a sample of such condiment, beverage or article of food, to any person authorized by the Board of Agriculture to secure same, and who shall apply to such manufacturer or other person, for such sample for such use in sufficient quantity for the analysis of such article in his possession.

Sec. 10. Any person refusing to comply with the above requirements, or who shall impede or otherwise prevent any chemist, inspector, or other person in the performance of his duty, in connection with this, shall be guilty of a misdemeanor and fined not less than \$10 nor more than \$100, and imprisoned not more than



E. A. McDONALD,
State Dairy and Food Commissioner.



DR. JAMES BULLIVANT,
Deputy State Dairy and Food Commissioner.



HARRY H. COLLIER,
Deputy State Dairy and Food Commissioner.



PROF. ELTON FULMER,
Washington State Chemist.

WASHINGTON DAIRY AND FOOD COMMISSIONERS.

one hundred days, or both.

Sec. 11. This act shall not interfere with any Inter-State Commerce Laws of the United States.

Sec. 12. Repeals all laws in conflict herewith.

SESSION LAWS OF 1901, PAGE 194.

FLOUR.

Sec. 1. Provides every barrel of flour manu-

factured in the state, or shipped into the state, shall contain 196 pounds of flour, and have the number of pounds contained therein plainly stamped on one head.

Sec. 2. A failure to so stamp the number of pounds, as aforesaid, is punishable by a fine of \$25, and the sale of every such barrel shall constitute a separate offense.

DAIRY AND PURE FOOD LAWS OF WASHINGTON.

The Dairy and Pure Food Laws of the State of Washington are enforced by a Dairy Commissioner and a State Board of Dairy Commissioners. The State Dairy and Food Commission is composed of the following members:

E. A. McDonald, Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman.

Dr. James Bullivant, Deputy Dairy and Food Commissioner, Spokane.

H. H. Collier, Deputy Dairy and Food Commissioner, Tacoma.

AN ABSTRACT OF THE DAIRY AND FOOD LAWS IS AS FOLLOWS:

PART. I.

Sec. 1. It is unlawful to sell, furnish or deliver to any creamery, cheese factory, corporation or person whatsoever, as pure, wholesome or unskimmed any unmerchantable, adulterated, skimmed, impure or unwholesome milk.

Sec. 2. In all prosecutions or other proceedings under this or any other law of this state relating to the sale or furnishing of milk, if it shall be proven that the milk sold, furnished or delivered or had in possession with intent to sell or delivered as pure any unwholesome or unskimmed milk containing less than 3 per cent of butter fat or less than 8 per cent of milk solids other than fat when subjected to a chemical analysis or other satisfactory tests, or that is drawn from cows known to have been within 15 days before or 4 days after parturition, or from cows having any disease or ulcers or running sores, then and in every case said milk shall be held and adjudged to be unmerchantable, adulterated, impure or unwholesome, as the case may be, and if it shall appear that cows kept for the production of milk or cream for market, sale or exchange or for manufacture into articles of food, are kept in a crowded or unhealthy condition, or are being fed on distillery waste or other substance in a state of putrefaction or rotteness, or upon any substance of an unhealthy nature, the milk or cream from the same is declared impure and

unwholesome. Any milk or cream exposed or contaminated by emanations, discharges or exhalations from persons or animals, or to which has been added any borax, boracic acid, salicylic acid or any other poisonous substance which prevents or tends to prevent the normal bacterial actions of milk is declared to be impure and unwholesome.

Sec. 3. The Washington State Dairy Commissioner is authorized and directed to issue to cheese manufacturers under such regulations as he may prescribe a uniform stencil or brand bearing a suitable device or motto and the words "Washington State Full Cream Cheese." Every brand issued shall be used on the outside of the cheese, and have a certain number for each manufactory; and the commissioner shall keep a record of the name, location and number of each manufactory using said brand, and the name or names of the persons authorized to use the same; and it shall be unlawful to use or permit such stencil or brand to be used upon any other than full cream cheese or packages containing same or such cheese only as shall contain 30 per cent of pure butter fat and be manufactured from pure and wholesome milk from which no portion of the butter fat has been removed, or in the manufacture of which neither butter nor any substance for butter or any animal or vegetable fats or oils have been used, or fat extracted from milk in any form and returned for the purpose of filling said cheese shall be stamped with the "state brand"; and cheese containing less than 30 per cent of pure butter fat shall be marked "Skimmed Cheese" in full-faced capital letters not less than one inch high in ink not easily removed by moisture. The manufacture or sale of any cheese containing less than 15 per cent of pure butter fat or so-called "filled cheese" is prohibited: Provided this section shall not apply to Edam, Brickstein, Pineapple, Limberger, Swiss, hand-made or any other fancy cheese: Provided further that cheese not made in this state for sale here shall be so stamped as to in-

dicating its true character: And provided further that no cheese shall be stamped "Full Cream" which does not in every particular comply with the requirements of "Washington Full Cream" cheese, except as to place of manufacture.

Sec. 4. The Dairy Commissioner shall furnish blanks to proprietors or managers of creameries, cheese factories or milk dairies that ship milk, and all vendors and peddlers of milk for the purpose of making a report of the amount of goods handled; and managers of such places, milk vendors or milk peddlers shall make an accurate report on said blanks to the Dairy Commissioner before the first day of November of each year. Every person engaged in purchasing or dealing in milk shall attach to each can furnished by him a tag containing in plain figures a correct statement of the capacity thereof. It is a misdemeanor to violate this section, punishable by a fine as provided in section 13: Provided information furnished as herein required shall be published in such form only as to show totals and averages, and not the details of the business of any individual or concern.

Sec. 5. Prohibits the manufacture, sale or service to patrons, guests, boarders or inmates of any hotel, eating house or public or private hospital, asylum, school or charitable or penal institution of any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound not produced directly and wholly from unadulterated milk or cream, with or without harmless coloring matter in imitation of yellow butter produced from pure unadulterated milk or cream: Provided this act shall not prohibit the manufacture and sale of oleomargarine in a separate and distinct form, and in such a manner as will advise the consumer of its real character, free from colorations or ingredients that causes it to resemble butter, or the use of the same, when signs are displayed in public eating houses.

Sec. 6. It is unlawful to sell, exchange or have in possession for sale any cheese containing any substance except salt, rennet and harmless coloring matter, other than that produced from pure milk or cream, or both, or from pure skimmed or half skimmed milk.

Sec. 7. The governor shall appoint a Dairy Commissioner. His term of office shall be four years.

Sec. 8. The Dairy Commissioner shall give bond in the sum of \$5,000.

Sec. 9. Said commissioner may appoint one or more deputies. They shall hold office at his pleasure; provided no deputy shall be employed at the cost of the state for more than 30 days in any one year; provided not more than six deputies shall be appointed.

Sec. 10. The Dairy Commissioner shall enforce the laws of this state regarding the production, manufacture or sale of dairy products, and personally inspect any articles of milk, butter, cheese or imitations thereof, and prosecute for violation of this act.

Sec. 11. It is the duty of the chemist of any state institution to analyze without extra compensation and without other charge to the state than necessary traveling expenses any and all substances that the dairy commissioner may send to any of them, and report to the commissioner the result of any such analysis. Such chemists shall assist the commissioner in prosecutions under this law.

Sec. 12. The commissioner and his deputy shall have power to enter any creamery, cheese or condensed milk factory, store, salesroom, warehouse or any place or building where he has reason to believe that any dairy product or imitation of dairy products are kept, made, prepared, sold or offered for sale or exchange, and to open any cask, tub, package or receptacle containing any such article and cause same to be examined and analyzed; provided, if the person from whom such sample is taken shall request him to do so he shall at the same time and in the presence of such person seal up two samples of the article seized or taken, retaining one and giving the other to such person.

Sec. 13. Any person who shall violate this act or obstruct the dairy commissioner in the performance of his duties hereinunder shall be guilty of a misdemeanor and punished by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than one month nor more than six months, or both.

Sec. 14. The Dairy Commissioner shall receive an annual salary of twelve hundred dollars (\$1,200) and his necessary expenses in the discharge of his duties under this act; provided, that such expenses shall not exceed one thousand dollars (\$1,000).

Sec. 15. It is the duty of the Attorney General and the prosecuting attorney when called upon by the dairy commissioner to render any legal assistance to execute the laws in prosecuting cases arising under the provisions of this act: Provided such commissioner may employ special counsel when necessary.

Sec. 16. The Secretary of State, Professor of Agriculture of the Agricultural College, and the Dairy Commissioner are hereby created a State Board of Dairy Commissioners *ex officio*.

Sec. 17. The State Board of Dairy Commissioners shall receive no compensation, but shall be allowed necessary traveling expenses. Expenses shall be certified by said State Board of Dairy Commissioners.

Sec. 18. The State Board of Dairy Commissioners shall biennially on December 1st make report to the governor. Said report shall include proceedings with reference to the dairy industries of this state, expenses and disbursements of the board, full and complete statistics as to the manufacture, import and export of dairy products, and such suggestions as they may deem proper.

Sec. 19. Provides the manner in which expenses incurred under this act shall be paid.

Sec. 20. Provides an appropriation of \$6,000 for the term beginning April 1st, 1899.

Sec. 21. Provides for the disposition of fines collected hereinunder.

Sec. 22. All clerks, bookkeepers, express agents, railroad officials or employees of common carriers shall render to the dairy commissioner or his deputy all the assistance in their power in discovering the presence of any article named in this act. Any refusal by them or any of them to render such friendly aid shall be a misdemeanor, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment for not less than one month nor more than 6 months, or both.

Sec. 23. Prohibits the sale of any cream taken from impure or diseased milk or which contains less than 18 per cent of pure butter fat. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment for not less than one month nor more than 6 months, or both.

Sec. 24. Every person who conveys milk in carriages, carts or other vehicles for the purpose of selling the same in any city or town in this state shall annually on the 1st day of June, or within 30 days thereafter, procure from the State Dairy Commissioner a license to sell within the limits of said city or town, and shall pay to the commissioner therefor the sum of \$1 for each carriage, cart or other vehicle to be used as provided for in section 29. Licenses shall be used only in the names of the owners of such carts, carriages or vehicles, and shall be conclusive evidence of ownership. No license shall be sold, assigned or transferred. Each shall contain the name, residence and place of business, number of carts or other vehicles used, and the number of the license. Each licensee shall before engaging in the sale of milk cause his name and the number of the license and his place of business to be legibly placed on the outside of all carriages, carts or other vehicles used by him in the sale or conveyance of milk. Whoever without being first licensed sells milk from carriages, carts or other vehicles shall be deemed guilty of a misdemeanor and be punished by a fine of not less

than \$25 for each offense nor more than \$100, or by imprisonment for not less than one month nor more than 6 months, or both; provided, this section shall not apply to persons handling or using the milk from not more than two cows.

Sec. 25. Every person before selling milk or offering it for sale in a store, booth, stand, or market place in any town or city, shall procure a license from the State Dairy Commissioner and pay to said commissioner the sum of \$1 yearly within 30 days after June 1st. Any person who neglects to procure such license shall be guilty of a misdemeanor, punishable for each offense by a fine not less than \$25 nor more than \$100, or by imprisonment for not less than one month nor more than 6 months, or both.

Sec. 26. Prohibits the sale of any milk from which cream has been removed, or commonly called "skimmed milk," without first marking the can or package containing same with the words "skimmed milk," in large, plain black letters at least one inch high and one-half inch wide, on the side not below the middle of said can or package where they can be easily seen. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100 for each offense, or by imprisonment for not less than 1 month nor more than 6 months, or both.

Sec. 27. Provides for the disposition of moneys received for licenses or goods confiscated by the Dairy Commissioner.

Sec. 28. Possession of any article or substance prohibited by this act is *prima facie* evidence of a violation hereof, and the commissioner is authorized to seize and upon order of court sell the same for any purpose other than to be used for food.

Sec. 29. The commissioner is authorized and directed to issue to manufacturers of creamery butter a uniform brand bearing a device or motto and the words "Washington Creamery Butter." Every brand shall be used on the wrapper of each package and also on the outside of every package used by him, and contain a different number for each manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufacturer using said brand. It is unlawful to use or permit such brand to be used upon any other than Washington creamery butter, or package containing the same. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or by imprisonment for not less than 1 month nor more than 6 months, or both.

Sec. 30. Prohibits the manufacture or sale or possession with intent to sell butter known

as "Process Butter," unless the package in which such butter is sold has marked on the side of it the words "Renovated Butter" in capital letters 1 inch high and $\frac{1}{2}$ inch wide with ink not easily removed: Provided that it shall be unlawful for any retailer to sell butter unless a card is displayed on the package with the following words printed thereon so that it may be easily read by the purchaser: "Renovated Butter," or if it is sold in packages on which a wrapper is used the words "Renovated Butter" shall be plainly printed on each and every wrapper: Provided further that all process butter shipped from other states shall be subject to the same regulations as provided in this section. It is a misdemeanor to violate this section, punishable by a fine of not less than \$25 nor more than \$100, or imprisonment not less than 1 month nor more than 6 months.

PURE FOOD LAW.

PART 2.

Sec. 1. Prohibits the sale or manufacture of any adulterated food within the meaning of this act.

Sec. 2. The term "food" shall include all articles used for food, drink or condiment by man, whether mixed, single or compound. The term "misbranded" as used herein includes all articles of food or articles used in the composition of food or condiments, the packages or labels of which shall bear any statement purporting to name any ingredient or substance not contained in such article which statement shall be false in any particular; or any statement purporting to name the substance of which said article is made, which statement shall not fully give the names of all the substances contained in the article in any measurable quantity, or which names as a single article of food any mixture or compound. The term "drink" as used herein shall not include liquids containing 2 per cent or more of alcohol.

Sec. 3. An article shall be deemed adulterated in the case of food or drinks:

(1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength so that such product when offered for sale shall deceive or tend to deceive the purchaser.

(2) If any inferior or cheaper substance or substances has or have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

(3) If any valuable constituent of the article has been wholly or in part abstracted so that the product when sold shall deceive or tend to deceive the purchaser.

(4) If it be an imitation of or sold under the specific name of any other article.

(5) If it be mixed, colored, coated, powdered or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

(6) If it contains any added poisonous ingredients, or any ingredients which may render such article injurious to the health of the persons consuming it.

(7) If it be misbranded, labeled or branded so as to mislead or deceive the purchaser.

(8) If it consists of the whole or any part of a diseased, filthy, decomposed, or putrid animal or vegetable substance or any portion of any animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of any animal that has died otherwise than by slaughter: Provided, that an article of food which does not contain any added poisonous ingredient shall not be deemed to be adulterated in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under coin names and not included under definition four of this section. Second, in the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends: Provided, that the same shall be labeled, branded or tagged so as to show the character and constituents thereof. Third, when any articles or ingredient has been added to foods because the same is required for the preparation or production thereof as an article of commerce, in a state fit for carriage, consumption, and not fraudulently to increase the bulk, weight or measure of the food, or conceal the inferiority thereof: Provided further, that no dealer shall be convicted under the provisions of this act if he shall prove a written guarantee of purity in a form approved by the Dairy and Food Commissioner: And provided further that the guarantor is a resident of the state of Washington. Fourth, when food is unavoidably mixed with some extraneous substance in the process of collection or preparation.

Sec. 4. The guarantee referred to in definition 8 of section 3 shall contain the full name and address of the person making the sale to the dealer, and such person shall be held liable to all prosecutions, fines or other penalties which would attach to the dealer under the provisions hereof.

Sec. 5. Possession of any article of food the sale of which is prohibited herein, or being the consignee thereof, is *prima facie* evidence that the same is kept or shipped in viola-

tion of this act; and the Dairy and Food Commissioner is hereby authorized to seize, open and take into possession such articles of food and apply to the superior court of the county in which the same are seized for an order directing him to dispose of or sell the same and apply the proceeds to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guarantee as required in section 4: Provided that said Dairy and Food Commissioner shall first give notice to the person in whose possession such goods are found, or if the same are found in the possession of the common carrier then to the consignee of such food, notifying such person that he has seized said goods and made application as aforesaid and that he will call said application for a hearing on a day certain not less than ten days from the service of said notice, and that said person shall show cause why the prayer of said petition should not be granted. Upon the hearing of said cause all affidavits and all testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent.

Every person selling, exhibiting or offering for sale, manufacturing or having in possession, or serving or delivering to a purchaser any article of food included in the provisions of this act shall furnish to any person demanding same, provided the price thereof be tendered, a sample sufficient for analysis of such article of food.

Sec. 7. The State Dairy Commissioner shall also be the State Food Commissioner, and shall be known as the Dairy and Food Commissioner; and he shall receive in addition to the salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall have power to appoint deputies as may be necessary and pay therefor not to exceed \$3 per day: Provided, however, that the total salaries of all deputies employed by him shall not exceed the appropriation made therefor.

Sec. 8. It is the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may send to him, and report to the commissioner without unnecessary delay the result of any analysis, and when called upon by the commissioner shall assist in prosecutions.

Sec. 9. It is the duty of the Attorney General and the prosecuting attorney of any county in this state when called upon by the Dairy and Food Commissioner to render legal assistance:

Provided, the Dairy and Food Commissioner may employ special counsel.

Sec. 10. The Dairy and Food Commissioner or his deputy shall have power in the performance of their duties to enter any restaurant, eating-house, hotel, public conveyance, public or private hospital, school or charitable or penal institution where foods are served and take for analysis any article of food or ingredients which enter into the composition of foods there used. Any article of food or ingredients entering into the same if found to be adulterated shall be *prima facie* evidence that the same is kept to be used to serve to patrons, guests, boarders or inmates of such institutions; and the person owning or operating said restaurant, boarding house, hotel, etc., having in his possession adulterated foods shall be deemed to have same contrary to the provisions of this act.

Sec. 11. It is a misdemeanor to violate this act, punishable by a fine of not less than \$25 nor more than \$100; or in case of a second offense to be imprisoned not less than 30 days nor to exceed 90 days, or both fine and imprisonment. Any person guilty of selling or having in his possession with intent to sell or serve, or manufacturing any adulterated article of food under the provisions of this act, shall pay in addition to the penalties herein provided for the necessary costs and expenses in inspecting and analyzing such adulterated food: Provided penalties and costs shall be paid to the Board of State Dairy and Food Commissioners or to their agents.

Sec. 12. The State Dairy and Food Commission *ex officio* shall be the State Board of Dairy and Food Commission, and said board shall be known as the State Board of Dairy and Food Commissioners.

Sec. 13. Provides for payment of expenses incurred under the provisions of this act.

Sec. 14. Requires the Dairy and Food Commissioner to publish a monthly report of the work of his office.

Sec. 15. Repeals an act to provide against the adulteration of food, approved March 13, 1899.

PART IV.

The rules and regulations as prepared by the State Dairy and Food Commissioner, and as set forth by him in a pamphlet entitled "Dairy and Food Laws of Washington and Rules and Regulations," published in 1901, are herewith presented in full as follows:

PART IV.—RULES AND REGULATIONS.

The term "misbranded" may be defined as follows: An article shall be considered misbranded if there is a false statement printed upon the label.

The brand or label on every article of food

shall be printed in English, except where the foods are manufactured in a country not speaking the English language.

All mixtures, compounds, combinations, imitations, or blends shall be labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, and the character and constituents thereof shall be plainly printed on the label.

Third, a coin name is defined as a word to designate any mixture, compound, combination or blend used as an article of food, which is, or has been, an addition to the vocabulary of the English language.

All drinks containing less than two per cent alcohol, soda water syrups and fruit syrups, shall not contain any saccharine, salicylic, benzoic or boric acid. All soda fountain syrups and fruit syrups, if artificial, shall have the word "artificial" printed on the label of the package, in the same size, style and color of letter and background as the name of the article. All soda fountains, or places where soft drinks are sold or served shall have printed on a placard the words "Artificial Drinks," and hung in front of the fountain or in a conspicuous place.

The use of coal tar dyes in coloring food products is prohibited.

Saccharine cannot be used in food products.

All eating houses, hotels, restaurants, etc., shall be subject to the same rules and regulations as provided for dealers of food products.

Refilling bottles, cans or dishes of any description with a different product than they contained originally, without removing the label, will be considered a violation of the law. Having on the table will be an evidence of serving.

All compound bulk goods shall be put up in packages which will show that they are compounds, with a statement of the character and constituents printed thereon.

The use of salicylic acid as a preservative is prohibited.

All decomposed, putrid, infected or rotten animal, vegetable or fruit substance, and articles, whether manufactured or not, cannot be sold without violating the law.

Baking Powders.—Baking powders can be sold without formula, but if labeled "Cream of Tartar," "Phosphate Powder," etc., shall state the character and constituents thereof, and shall contain no ingredients injurious to health.

Buckwheat Flour, if labeled "Buckwheat Flour," shall be true to name. It can be mixed with a substance not injurious to health if sold as "Buckwheat Flour Compound," with the character and constituents printed on the

label. Buckwheat flour containing no other substance but for leavening and seasoning purposes may be sold if labeled "Self Rising Buckwheat Flour."

Butter.—It must be made exclusively of milk and cream. It may be colored with coloring matter not injurious to health. Every creamery shall secure a state brand from the commissioner. It shall be unlawful to use such brand upon any other than Washington creamery butter, or packages containing the same. Process butter in tubs or cases shall be marked "Renovated Butter" in capital letters one inch high and one-half inch wide, with ink which is not easily removed. Every print shall have on it a wrapper containing the words "Renovated Butter" printed thereon so that it may easily be read by the purchaser, and every tub from which it is sold shall have on it a card on which are the words "Renovated Butter" so that it may be read from any part of the room. All butter shipped into the state from other states is subject to the same rules and regulations.

Candy must not contain terra alba, barytes, talc or other earthy or mineral substances or any colors, flavors or ingredients injurious to health.

Catsup shall contain no ingredient injurious to health. Tomato catsup shall be the product of the tomato.

Cheese shall be made exclusively of milk or cream. Every cheese factory is required to secure from the commissioner the state brand. The brand shall be used on the outside of the cheese and shall have a different number for each separate manufactory. The said brand shall not be used on any other but full cream cheese, containing not less than 30 per cent of butter fat. All cheese containing less than 30 per cent of butter fat shall be marked "Skimmed Cheese" in full-faced capital letters not less than one inch high and one-half inch wide. The manufacture and sale of any cheese containing less than 15 per cent of butter fat or filled cheese is prohibited.

Coffee if sold as such shall be true to the name. It may be mixed with chicory or other substances not injurious to health, if marked so as to plainly indicate that it is a compound, with the character and constituents thereof printed on the label or package.

Coffee Substitutes.—Mixtures of cereals or other articles sold as a substitute for coffee shall be sold as a mixture or compound under an original or coin name.

Chocolate and Cocoas if containing no other cocoa mass, sugar and flavoring, will not be classed as an adulteration.

Cream of Tartar shall be pure and true to name. If compounded with any other article

the character and constituents of the compound shall be stated on the package.

Extracts.—Vanilla shall be made from the vanilla bean. Extracts made of more than one principle shall be labeled with the name of each principle or with the name of the inferior or adulterant. For example, an extract made from vanilla and tonka shall be labeled "Extract of vanilla and Tonka" or "Extract of Tonka." In all cases it is understood that when an extract is labeled with more than one name the type used is to be similar in size, and the name of any one of the articles shall not be given greater prominence than the other. Extracts that are not made from the fruit, berry or bean and are made artificially, such as raspberry, strawberry, pineapple or banana, shall be labeled "Artificial flavor."

Farinaceous goods shall be true to name. Barley, hominy, cracked or rolled wheat or oats, tapioca and like articles shall be pure and unadulterated. If mixed or compounded with other articles shall be sold as a mixture or compound and not under the name of any ingredient contained therein. The compound shall show the character and constituents thereof.

Honey shall be pure. If mixed with glucose, cane sugar or other substances shall be labeled so as to show that it is a compound, with the names of the constituents printed on the package.

Jelly shall be true to name. Imitation fruit jellies, butters or other similar compounds, made or composed in whole or in part of glucose, dextrine, starch or other substances may be sold if uncolored and are distinctly labeled "Imitation fruit, jelly or butter," with the character and constituents printed on the label or package.

Lard shall be true to name. Imitation lard in the manufacturers' packages shall be distinctly branded or labeled so as to show that it is a compound. The character and constituents of the compound shall be printed on the label. This also applies to small quantities when put up for immediate delivery.

Maple sugar and maple syrup shall be pure and true to name. They may be mixed with other sugar and syrup and sold as "Maple sugar compound" or "Maple syrup compound" with the character and constituents printed on the package.

Milk shall not contain less than 3 per cent of butter fat, and 8 per cent solids other than fats. A can containing milk from which the cream has been removed shall be labeled "Skimmed milk" in large, plain, black letters, each letter being at least one inch high, and one-half inch wide, said words to be on the side, not below the middle of said can or pack-

age. The sale of milk which is impure or adulterated, or from cows which are diseased, or being fed on distillery waste or other substances in a state of putrefaction or rottenness, or any substances of an unhealthy nature, or from cows kept by a family in which there is an infectious disease, is prohibited.

Molasses shall be branded with its true and proper name, and shall be true to same. If mixed with other syrups shall be sold as "Molasses compound," with the character and constituents stated on the package.

Oleomargarine shall not be sold in this state unless free from coloration or ingredient that causes it to look like butter. Oleomargarine shall be branded as such. Stores, hotels, restaurants, boarding houses, etc., shall have conspicuously hanging in the center or placed on the side of any store or room where it is sold or furnished, a white placard, on which is printed in black ink, in plain Roman letters the words "Oleomargarine sold here or used here," in letters which may be read from any part of the room.

Pancake Flour if containing more than one article shall be sold as a mixture or compound, and not under the name of any ingredient contained therein, and shall have on the label a statement of the character and constituents thereof.

Prepared Mustard.—Pure mustard, mixed with vinegar and spices, may be sold as "Prepared Mustard," but if any substance or substances are added to cheapen it, such as flour, etc., it shall be deemed adulterated unless the character and constituents thereof are stated on the package. Printed matter descriptive of the goods will be allowed upon the label below the words "Prepared Mustard."

Syrup.—Each barrel, cask, pail or bottle containing syrup, molasses or glucose shall be distinctly branded or labeled with the true and proper name of such article, and, if compounded, shall be sold as "Syrup Compound," with the constituents plainly printed on the package.

Spices shall be pure and true to the name. If compounded with any other article shall be sold as a "compound" with the character and constituents of the compound stated on the package.

Vinegar.—All vinegars shall contain not less than $3\frac{1}{2}$ per cent of acetic acid, and shall not contain any preparation of lead, copper, sulphuric acid, or ingredients injurious to health. All vinegars made by fermentation and oxydation shall be branded "Fermented Vinegar," with the name of the fruit or substance from which the same is made. Shall be free from foreign substance and shall not contain less than $1\frac{3}{4}$ per cent of solids contained in the

fruit or grain from which said vinegar is made, and not less than 2.5 of 1 per cent ash or mineral matter, the same being the material from which said vinegar is manufactured. All vinegars made wholly or in part from distilled liquor shall be branded "Distilled Vinegar," and shall be free from artificial coloring matter. Only vinegar made from pure apple juice, free from foreign substances, products or acids, and containing not less than $1\frac{3}{4}$ per cent of cider solids, may be sold as apple, orchard or cider vinegar.

Peas and Pickles colored with copperas will be considered a violation of the law.

These rulings must not be considered as law, but as an interpretation of the law by the commissioner. The law is also published so that you may use your judgment as to its meaning. In case of suit the law and not my rulings will be considered by the court.

FORM OF GUARANTY.

Wholesalers' and Manufacturers'
Guaranty.

(Form Approved by E. A. McDonald, State

Dairy and Food Commissioner.)

(Blank & Blank), the undersigned, wholesalers (or manufacturers), in consideration of (Jones & Brown, Blank, Wash.), retail merchants, purchasing food from us, hereby guarantee that all food sold to them shall be such as is permitted to be used by that certain act of the legislature of the State of Washington, entitled, "An act to provide against adulteration of food and fraud in the sale thereof; creating a State Board of Food Commissioners, defining their duties, and providing for an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for the violation thereof, and making an appropriation, declaring an emergency, repealing 'An act to provide against the adulteration of food, approved March 13, 1899,' " which said act was approved March 16th, 1901; this guaranty to remain in force until revoked in writing.

Blank & Blank, ———, Wash.,
Wholesalers (or Manufacturers).

DECISIONS OF THE SUPREME COURT OF WASHINGTON ON FOOD LAWS.

OLEAGINOUS SUBSTANCES. Held that the code forbidding the sale of an oleaginous substance purporting to be or having the semblance of butter or cheese without some distinguishing mark and the use of imitation dairy products in eating rooms unless the prescribed notice is given, is repealed by Wash. Act of March 11, 1895; and that Sec. 5 repeals all acts and parts of acts in conflict with its provisions. *State vs. Allen* (Wash.), 44 Pac. 121, 14 Wash. 103.

COMPLAINT FOR SELLING OLEOMARGARINE. SUFFICIENCY. A complaint under the law of March 11, 1895, Par. 5, alleged that the

defendant sold "two pounds of an oleaginous substance compounded and colored in imitation of yellow butter, produced from pure milk or cream from the same, and such oleaginous substance and compound not having been directly and wholly, and at the time of the manufacture thereof, free from coloration or ingredients that caused it to resemble butter produced from unadulterated milk," etc., and it was held that the complaint was not good as it did not sufficiently state that it was made from unadulterated cream or milk. *State vs. Henderson*, 15 Wash. 598.

DECISIONS OF THE SUPREME COURT OF



CATSUP
PICKLES

MUSTARD
OLIVES

PRESERVES
CANNED GOODS



ARE ALWAYS

PURE AND WHOLESOME

The E. C. Flaccus Company,

Wheeling, W. Va., U. S. A.

Factories: { WHEELING, W. VA.
 { BARNESVILLE, O.

Main Office and /
Warerooms: { WHEELING, W. VA.

CORRESPONDENCE SOLICITED

PURE FOOD LAWS OF WEST VIRGINIA.

The statutes of this state providing against the adulteration of articles of food or drink are but few. No provision has been made by the legislature for the enforcement of these laws. There is no food or dairy commission. A digest of the laws is as follows:

CHAPTER 150.

Sec. 19. Provides that if a person knowingly sells any diseased or unwholesome provisions, whether food or drink, without making the same known to the buyer, he shall be imprisoned not more than 6 months and fined not exceeding \$100.

Sec. 20. If a person fraudulently adulterate, for the purpose of sale, anything intended for food or drink, or knowingly sell or exchange anything intended for food or drink, not what it is represented to be or sold for, he shall be imprisoned not more than 1 year and fined not exceeding \$500, and such adulterated articles shall be forfeited and destroyed.

Sec. 20a. Any person who manufactures, sells or offers for sale, any substance purporting to be or resembling butter or cheese, and not made wholly from pure cream or pure milk, unless each package, roll or parcel thereof, or vessel containing one or more packages of the same has been distinctly, legibly and durably

printed, stamped or marked thereon with the true name of such substance, and that it is not made wholly from pure milk or pure cream, as the case may be, and any person who sells to a consumer such substance not so marked or stamped without delivering to the customer a written or printed statement that it is not wholly made from pure milk or cream, shall be fined no less than \$10 nor more than \$100, and be imprisoned until the costs are paid, not exceeding three months. But nothing contained in this act shall be construed to prohibit the use of skimmed milk, salt, rennet or harmless coloring matter in the manufacture of butter and cheese.

ACTS OF 1891, CHAPTER 8.

Sec. 1. From and after the passage of this act it shall be unlawful for any manufacturer or vendor of oleomargarine, artificial or adulterated butter, to manufacture or offer for sale within the limits of this state, any oleomargarine, artificial or adulterated butter, whether manufactured within or without the state, unless the same be colored pink.

Sec. 2. Any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction be fined not less than \$20 nor more than \$100 for each offense.

SUPREME COURT DECISIONS OF WEST VIRGINIA ON FOOD LAWS.

DISEASED MEAT. PROOF OF KNOWLEDGE.

On prosecution for selling diseased meat without disclosing the fact to the buyer it is sufficient to prove that defendant knowingly sold such meat. The presumption arises from such proof that the sale was unlawful, and the burden of proof is then on the defendant to show that he informed the buyer of the unsound condition of the meat. *Seibright vs. State*, 2 W. Va. 591.

OLEOMARGARINE. VALIDITY OF ACT. An act providing that it shall be unlawful for any vendor or manufacturer of oleomargarine or artificial butter, to manufacture or offer for sale, within the state, such oleomargarine or artificial butter, whether manufactured within or without

the state, unless it is colored a bright pink, is constitutional. *State vs. Meyers*, 42 W. Va. 822.

A STATE CAN PROHIBIT THE SALE A state can prohibit the sale of oleomargarine unless it is colored pink, no matter whether manufactured within the state or elsewhere. *State vs. Meyers*, 42 W. Va. 822.

VALIDITY OF COLOR REQUIREMENTS. A statute requiring that all oleomargarine sold within the state must be colored a bright pink, is constitutional, even though it applies to oleomargarine manufactured without the state, and sold within it, because such a statute has for its object the prevention of fraud upon the public and is therefore a valid exercise of the police power. *State vs. Meyers*, 42 W. Va. 882.

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(Incorporated 1900.)

Layton & Co. 1863

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Beef and Pork Packers

MILWAUKEE, WIS.

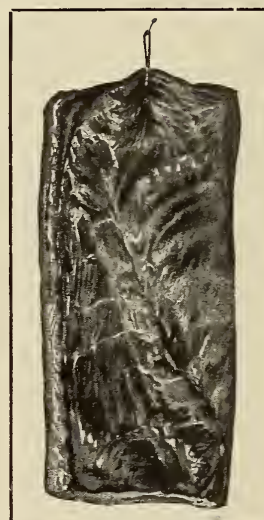
Layton's Selected Sugar Cured Hams and Breakfast Bacon



Are cut from choice dairy fed Pigs. They are mild cured, of fine flavor, and colored with hardwood smoke.

Layton's Celebrated Pig Pork Sausage

Made from selected Pig Pork, properly seasoned. We grind our own spices and use neither patent meal or flour for binder, nor any coloring matter.



Layton's Choice Kettle Rendered Lard

Is absolutely pure, put up in packages to suit any trade

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J. Q. EMERY,
Dairy and Food Commissioner, Wisconsin.



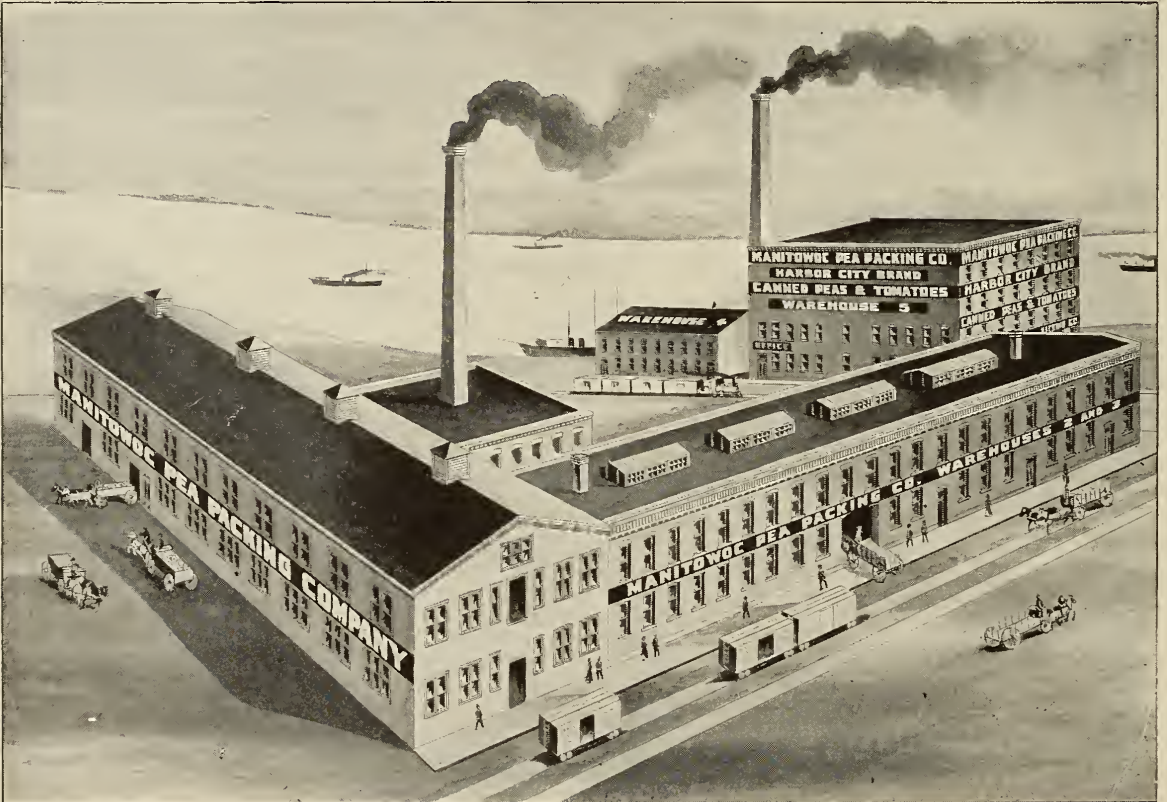
C. W. SWEETING,
Assistant Dairy and Food Commissioner,
Wisconsin.



DR. RICHARD FISCHER,
Chemist, Dairy and Food Commission,
Wisconsin.

DAIRY AND FOOD COMMISSION OF WISCONSIN.

Manitowoc Pea Packing Company, MANITOWOC, - WISCONSIN.



PACKERS OF
Harbor City, Life Boat and Warrior
Brands

THE PEAS THAT MADE MANITOWOC, WISCONSIN, FAMOUS
Packed under the PURE FOOD Laws of Wisconsin and sold
under the PURE FOOD Laws of every State in the Union.

ABSOLUTELY PURE

PURE FOOD LAWS OF WISCONSIN.

In the State of Wisconsin the pure food laws are enforced by a commission appointed for that purpose by the governor, consisting of the following members:

J. Q. Emery, Commissioner.

C. W. Sweeting, Assistant Commissioner.

Dr. Richard Fischer, Chemist.

N. J. Field, Dairy Inspector.

Florence Q. Norton, Clerk and Stenographer.

The laws governing the administration of the manufacture, inspection and analysis of the food supplies in this state are in substance as follows:

1.—(Sec. 1410, Statutes of 1898.) The Dairy and Food Commissioner shall be appointed by the governor for two years. Said commissioner may appoint an assistant, chemist, and an agent for the inspection of milk dairies, factories and creameries. The compensation of such agent shall be \$3 per day and expenses. The commissioner may also appoint a stenographer or official clerk.

2.—(Sec. 1410 a, Statutes of 1898.) It is the duty of the commissioner to enforce laws regarding the production, manufacture or sale of dairy products, the adulteration of any article of food or drink, or of any drug; and to inspect milk, butter, lard, syrup, coffee, tea, or other articles of food or drink or drug which may be impure, unhealthful, adulterated or counterfeit; and to prosecute for violations hereof. The district attorney in any county in which a violation of this law occurs shall assist said commissioner or his assistants. The commissioner shall have power to appoint, with the approval of the governor, special counsel to assist in any prosecution under this act.

3.—(Sec. 1410 b, Statutes of 1898.) The commissioner or his agent or assistant shall have access to any barn or stable where any cow is kept or milked, and to any factory, building, dairy or premises where any dairy product is manufactured, handled or stored, where the milk from such cow or such product is to be sold or shipped, and may enforce necessary measures to secure cleanliness in and around the same, and of any utensil used therein, and prevent the sale of diseased milk. Either of them may enter any place or into any building for the purpose of examining or analyzing the contents of any article of food, drink or drug. Either may take samples thereof for the purpose of having same analyzed; provided that upon the request of the person from whom same is taken two samples shall be sealed up, one of which shall be given to the commission-

er and the other to the person from whom same is taken. The commissioner shall adopt a uniform stencil bearing the words "Wisconsin Full Cream Cheese" and a space for a number, and he may prescribe regulations for the use thereof for the proprietor or manager of any cheese manufactory. He shall register the name, location and number of each factory using such stencil.

4.—(Sec. 1410 c, Statutes of 1898.) The State Board of Health, local boards of health, village boards or common councils, may submit to said commissioner samples of water or other drinks or food or drugs for analysis, and the same shall be examined and reports thereof made to the body of officers or others submitting the same: such reports shall be accepted in all courts and places as prima facie evidence of the properties or conditions of the articles analyzed.

5.—(Sec. 1410 d, Statutes of 1898.) The governor may authorize the commissioner or his assistant to give such aid to Farmers' Institutes, Dairy and Farmers' Conventions, and the Agricultural Departments of the state as he may deem advisable. The necessary expenses of making the analysis contemplated in the foregoing shall be limited by the commissioner to \$600 annually.

6.—(Sec. 1607 h, Statutes of 1898.) Any person who shall obstruct the Dairy and Food Commissioner of this state or his assistants in the performance of their duty, by refusing entrance to any place he is authorized to enter, or refusing to deliver samples of articles specified in this act, if the value thereof is tendered, shall be punished for the first offense by a fine not exceeding \$25 and for each subsequent offense by a fine not exceeding \$500 nor less than \$50.

SALE OF IMPURE MILK AND CREAM.

7.—(Sec. 4607, Statutes of 1898.) Any person who shall sell or furnish or deliver or have in his possession with intent to sell as pure, wholesome and unskimmed any unclean or unmerchantable or adulterated or impure milk shall be fined not less than \$25 nor more than \$100.

8.—(Sec. 4607 a, Statutes of 1898.) In all prosecutions under any section of this act for the sale of unmerchantable, adulterated or impure milk and cream which shall be proven to contain less than three per cent of pure butter fat under chemical analysis, or that has been diluted, or any part of the cream abstracted

Milwaukee Vinegar Company

Manufacturers of

High Grade Distilled Vinegar

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GUARANTEED
to comply with the
PURE FOOD LAWS
of every State

and "BLUE STAR"
Compressed "YEAST"

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MILWAUKEE, WISCONSIN

therefrom, or any part thereof drawn from a cow known to have been at the time it is drawn within fifteen days before or less than four days after parturition or known to have any disease, ulcers or running sores, then such milk shall be held or found to be unmerchantable or adulterated, as the fact may be. Proof of adulteration or skimming may be made with standard tests and lactometers as are used to determine the quality of milk by chemical analysis.

9.—(Sec. 1, chapter 313, Laws of 1899.) Provides that no person shall sell, furnish or deliver milk or cream drawn from sick or diseased cows, or cows kept in a filthy or unsanitary condition; or from cows fed on refuse or slops from distilleries or vinegar factories, unless such refuse or slops be mixed with other

dry sanitary grain or food of a consistency of a thick mush.

10.—(Sec. 2, chapter 313, Laws of 1899.) No person shall sell, furnish or deliver any milk or cream containing any foreign substance or coloring matter or any chemical or preservative, whether for the purpose of increasing the quantity of milk or cream or improving its appearance, or for preserving the sweetness thereof, or for any other purpose; provided this act shall not prohibit the sale of pasteurized milk or cream, to which viscogen or sucrose has been added for the purpose of restoring the viscosity, if the same be distinctly labeled so as to advise the purchaser of its true character.

11.—(Sec. 3, chapter 313, Laws of 1899.) Any violation of this act is punishable by a fine of not less than \$25 nor more than \$100 for each and every offense.

IMITATION CHEESE AND BUTTER.

12.—(Sec. 4607 c, Statutes of 1898.) Prevents the manufacturing or selling of any cheese manufactured by the use of skimmed milk to which has been added any fat which is foreign to such milk, and skimmed milk cheese or cheese manufactured from milk from which the fat originally contained therein has been removed, except such last mentioned is 10 inches in diameter and 9 inches high; also prevents the manufacture or sale of any article or compound made out of any fat or oleaginous substance or compound thereof not produced from unadulterated milk or cream from the same, without admixture or addition of any fat foreign to said milk or cream, in imitation of yellow butter produced from said milk or cream, with or without coloring matter, and declares a penalty for violation of this section of a fine of not more than \$500 nor less than \$50 for the first offense, and for each subsequent offense by imprisonment in the county jail not to exceed 60 days nor less than 10 days, or by a fine of not less than \$100 nor more than \$500, or both fine and imprisonment. Nothing in this section shall prohibit the sale or manufacture of oleomargarine in such manner as will advise the consumer of its real character and free from colorations or ingredients that cause it to look like butter.

13.—(Sec. 4607 d, Statutes of 1898.) Provides that any person who shall sell to any purchaser for butter any oleomargarine, butterine, or any similar substance made in imitation of pure butter, not made entirely from the milk of cows, with or without coloring matter, or who shall sell oleomargarine, butterine, or substances not distinguished on the outside of each tub, package or parcel by a placard containing the word "oleomargarine," and not having also upon every package or parcel such word printed in plain uncondensed Gothic letters not less than one inch long, and not containing any other words thereon; or who shall sell oleomargarine, butterine or similar substances from any dwelling or public place without having conspicuously posted thereon a placard in letters not less than four inches in length with the words "oleomargarine sold here," or "butterine sold here," which placard shall be approved by the Dairy and Food Commissioner of the state; or who shall sell or deliver from any cart, wagon, or vehicle, oleomargarine, butterine or similar substances without having said vehicle placarded on both sides in uncondensed Gothic letters not less than three inches in length "Licensed to sell oleomargarine," or who shall furnish to any hotel, boarding house, restaurant or lunch counter, oleomargarine, butterine or any similar substance

to any guest or patron thereof without first notifying such guest or patron that such substance is not butter, shall be punished as provided in the last preceding section.

14.—(Sec. 4607 e, Statutes of 1898.) Prevents the use in any penal, charitable or correctional institutions of any butter or cheese not made wholly and directly from pure milk and cream, salt and harmless coloring matter, and punishes violations of this section by a fine not exceeding \$50 nor less than \$25 for the first offense, and for each subsequent offense by imprisonment in the county jail not more than 90 nor less than 10 days, or by fine not exceeding \$100 nor less than \$50, or both.

RENOVATED BUTTER.

15.—(Sec. 1, chapter 76, Laws of 1899.) Prevents the sale, exchange or delivery of renovated butter or butter which has been melted and its rancidity removed or masked, or which has been regranulated, colored and prepared in imitation of genuine creamery butter, unless same shall be marked on the outside of each package or parcel thereof by a label printed with the words "renovated butter," and upon every tub, package or parcel thereof a placard with such words printed, such words or brand in each case to be printed in plain uncondensed Gothic capitals not less than one inch long, and such placard shall contain no other words.

16.—(Sec. 2, chapter 76, Laws of 1899.) It is a misdemeanor to violate the foregoing section, punishable by a fine of not less than \$25 nor more than \$100.

FRAUD IN LABELING CHEESE.

17.—(Sec. 4438 g, Statutes of 1898.) Any person who shall sell or consign cheese labeled with a false brand or label as to quality thereof, or shall use any stencil or label furnished by the Dairy and Food Commissioner of this state and bearing the words "Wisconsin full cream cheese" otherwise than upon the bandage on the side of full cream cheese, and upon the package containing the same, shall be punished by a fine of not more than \$50 nor less than \$25.

CLEANLINESS OF DAIRY COWS AND UTENSILS.

18.—(Sec. 4607 j, Statutes of 1898.) Any person owning or managing a dairy, the product of which is sold for family use, who shall feed his cows upon unwholesome food, or keep them in unclean stables, or handle the milk in unclean utensils, shall be deemed guilty of a misdemeanor and fined not less than \$25 nor more than \$100 for the first offense nor more than \$200 nor less than \$100 for each subsequent offense.

FRAUD IN DAIRY MANUFACTORIES.

19.—(Sec. 1494 a, Statutes of 1898.) Any butter or cheese manufacturer who shall use or allow any person to use any milk or cream brought to him without the consent of the owner thereof, or who shall refuse or neglect to keep a correct account of the amount of milk daily received, or of the number of pounds of butter and the number and aggregate weight of cheese made by him each day or of the number of cheese cut or otherwise disposed of, and the weight of each, shall for any and each offense forfeit not less than \$25 nor more than \$100, one-half of which shall be paid to the person upon whom any such fraud has been committed, and who first complained thereof.

ADULTERATION OF FOOD, DRUGS OR LIQUORS.

20.—(Sec. 4599, Statutes of 1898.) Any person who shall sell corrupted or unwholesome provisions, whether for meat or drink, without notifying the buyer thereof, shall be punished by imprisonment in the county jail not more than six months or by fine not exceeding \$100.

21.—(Sec. 4600, Statutes of 1898.) Any person who shall sell, exchange or deliver any drug or article of food which is adulterated shall be fined not less than \$25 nor more than \$100 or imprisoned in the county jail not less than 30 days nor more than 4 months. The term "drug" as used in this section shall include all medicines for internal or external use, antiseptic, disinfectant or cosmetic; the term "food" as used herein shall include all articles used for food or drink by man, whether single, mixed or compound.

22.—(Sec. 4601, Statutes of 1898.) An article shall be deemed to be adulterated within the meaning of the preceding section:

1. In the case of drugs: First, if when sold by a name recognized in the United States Pharmacopœia it differs from the standard of strength, quality or purity laid down in the latest current edition thereof. Second, if when sold under or by a name not recognized in said pharmacopœia, but which is found in the pharmacopœia of some other country, the national formulary or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in the latest edition of said work. Third, if its strength, quality or purity falls below the professed standard under which it is sold.

2. In the case of food: First, if any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its strength, quality or purity. Second, if any inferior or cheaper substance has been substituted wholly or in part for it. Third, if any

valuable or necessary ingredient has been wholly or in part abstracted from it. Fourth, if it is an imitation of or sold under the name of another article. Fifth, if it consists wholly or in part of a diseased, infected, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not. Sixth, if it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if it be made to appear better or of great value than it really is. Seventh, if it contains any added substance or ingredient injurious to health, or any deleterious substance not a necessary ingredient in its manufacture. Provided that the provisions of this or the preceding section shall not apply to mixtures or compounds recognized as ordinary articles of food, if they be distinctly labeled admixtures or compounds, and from which no necessary ingredient in their preparation is eliminated.

23.—(Sec. 4601 a, Statutes of 1898.) Any person who shall pack, can or preserve fruits, vegetables or food, or sell, exchange or deliver such canned articles, with the exception of goods brought from foreign countries, unless such articles be labeled with the grade or quality of the same, and with the name and address of the person, firm or corporation packing, canning or preserving the same, or the dealer who sells the same, shall be fined not less than \$25 nor more than \$100, or be imprisoned in the county jail not less than 30 days nor more than 4 months.

24.—(Sec. 4607 b, Statutes of 1898.) Any person who shall make or manufacture baking powder or any compound intended for use as baking powder, or sell or exchange or deliver such baking powder or compound, which contains alum in any form or shape, unless the presence of the same be distinctly shown by a label on the outside and face of which is printed with black ink in legible type no smaller than brevier heavy Gothic caps, the name and residence of the manufacturer and the words "THIS BAKING POWDER CONTAINS ALUM," shall be punished as provided in the preceding section.

25.—(Sec. 4601 c, Statutes of 1898.) Any person who shall sell, exchange or deliver any medicine known as patent or proprietary, or of which the formula is kept secret by the manufacturer, which contains morphine, strychnine, cocaine or poisonous or narcotic alkaloid or drug, in any quantities which the State Board of Health shall deem harmful to the life or health of the public, unless the presence of the same be distinctly shown by the label upon the bottle or package, and upon the outer wrapper thereof, shall be punished as provided in section 4601 a (paragraph 23).

26.—(Sec. 4607 f, Statutes of 1898.) Any person who shall sell honey or imitations thereof which is adulterated with glucose or any other substance without marking the package containing same with the words "adulterated honey" in letters not less than one-half inch in length and of proportionate breadth on the upper portion of the package or parcel containing same, shall be punished by a fine not to exceed \$100 nor less than \$10, or by imprisonment in the county jail not more than six months nor less than 10 days.

27.—(Sec. 4605 a, Statutes of 1898.) Any owner of a diseased apiary, or honey made or taken from such apiary, or appliances taken therefrom, who shall sell, barter or give away any such apiary or appliances or bees therefrom, expose other bees to the danger of contracting such disease, or refuse to allow the inspector of apiaries to inspect such apiary, honey or appliances, shall be fined not less than \$50 nor more than \$100, or be imprisoned in the county jail not less than one month nor more than two months.

28.—(Sec. 4607 g, Statutes of 1898.) Any person who shall sell or give away for use as food, or can or pack for the purpose of transporting, any unwholesome, stale, emaciated or measly meat, or the flesh of any diseased animal or animal not slaughtered for the purpose of food, knowing the same to be as above described, and any person owning and operating any slaughter-house who shall receive for killing or kill any diseased animal, or render the carcass of any animal that shall die from disease or in consequence of exposure, or that shall not have been slaughtered for food, such person or persons shall be punished by imprisonment in the county jail not to exceed six months nor less than 10 days, or by a fine of not more than \$100 nor less than \$10, or both fine and imprisonment. Any corporation shall be fined not more than \$500 nor less than \$10.

29.—(Sec. 4607 i, Statutes of 1898.) Any manufacturer who shall manufacture or sell any vinegar not the sole product of pure apple juice, known as apple cider, or vinegar not made exclusively therefrom, or into which foreign substances, drugs or acids have been introduced, or which contains any preparations of lead, copper, sulphuric acid, artificial coloring matter, or other ingredient injurious to health, or who shall label, brand or sell as cider or apple vinegar, vinegar not the legitimate product of pure apple juice made exclusively from apple cider, or any vinegar which shall not have an acidity equivalent to four per cent by weight of absolute acetic acid, and, in addition, in case of cider vinegar, not less than 2 per cent by weight of cider vinegar solids upon

full evaporation over boiling water at 212 degrees Fahrenheit; and any manufacturer of vinegar, and any person who reduces or rebarel vinegar, or handles vinegar in quantities of one barrel or more, who shall fail to stencil or mark in black figures at least one inch in length, on the head of each barrel or package of said vinegar, the standard strength of said vinegar, denoted by the per cent of acetic acid therein, or who shall falsely mark such package or barrel, shall be fined not exceeding \$100 nor less than \$10.

30.—(Sec. 4607 k, Statutes of 1898.) Prevents the sale for domestic, culinary or drinking purposes of any ice which contains mud, decayed vegetation, animal or foreign matter, or malarial substance. Every person selling ice shall have posted on his or its wagons in a conspicuous manner the name of the place from which the ice was cut or manufactured; and persons selling ice or handling impure ice to be used for cooling purposes only shall have their wagons so labeled. It is a misdemeanor to violate this section, punishable by a fine of not less than \$50 nor more than \$100.

31.—(Sec. 4606, Statutes of 1898.) Any person who shall fumigate any barley, wheat or any other grain by the use of sulphur or any other substance, or shall affect the color or healthfulness of such grain, or sell the same knowing that it has been so fumigated or colored, shall be punished by imprisonment in the county jail not more than one month, or by a fine not exceeding \$50.

FLAXSEED OR LINSEED OIL.

32.—(Sec. 1, chapter 234, Laws of 1899.) No person shall manufacture or sell any flaxseed or linseed oil for other than food purposes unless the same answers a chemical test for purity recognized in the United States Pharmacopoeia, or any flaxseed or linseed oil as "boiled linseed oil" unless the same shall have been put in its manufacture to a temperature of 225 degrees Fahrenheit.

33.—(Sec. 2, chapter 234, Laws of 1899.) No person shall sell or dispose of any flaxseed or linseed oil except under its true name, and except each tank car, barrel, keg or vessel containing same has stenciled thereon in ordinary full-faced capital letters not less than five-line pica in size the true name thereof and the words "pure linseed oil, raw," or "pure linseed oil, boiled," as the fact may be, and also the name and address of the manufacturer or dispenser thereof.

34.—(Sec. 3, chapter 234, Laws of 1899.) Prevents the adulteration of any "pure linseed oil, raw," or "pure linseed oil, boiled," by adding any oil or substance for the purpose of sell-

ing such mixture or compound as the pure article; also prevents the stamping, stenciling or marking of any tank car, barrel keg or vessel so as to falsely represent that it contains either "pure linseed oil, raw," or "pure linseed oil, boiled," nor so as to falsely represent the manufacturer thereof.

335.—(Sec. 4, chapter 234, Laws of 1899.) For a violation of the provisions of this act any person shall be fined not less than \$50 nor more than \$500, or be imprisoned in the county jail not more than six months.

36.—(Sec. 5, chapter 234, Laws of 1899.) It is made the duty of the Dairy and Food Commissioner to enforce this act and to inspect any flaxseed or linseed oil offered for sale in this state, and any vessels containing the same, which he may have reasons to suspect, and to prosecute violations hereof.

RULINGS MADE BY THE COMMISSIONER.

Oleomargarine can be manufactured and sold under its own name and color when properly labeled. Each tub, package and parcel shall be marked by a placard bearing the word "oleomargarine" printed in plain, uncondensed Gothic letters not less than one inch long, and such placard shall contain no other words thereon.

All stores and places of business from which oleomargarine shall be sold must have conspicuously posted a placard to be approved by the Dairy and Food Commissioner, containing the words, printed in letters not less than four inches in length, "oleomargarine sold here."

It is unlawful for hotel, restaurant or boarding house keepers to furnish their guests with butter substitutes without notifying such guests that the substitute so furnished is not butter.

A bill of fare furnished guests and containing a statement that oleomargarine is used will be deemed a sufficient notice.

Renovated butter, which is butter of inferior quality melted, regranulated, churned with milk and worked over into the appearance of fresh creamery butter, must be branded "renovated butter" upon each tub, package and parcel.

No imitation butter or cheese can be used in any of the charitable or penal institutions of this state.

Cheese.—The Dairy and Food Commissioner is authorized to issue to the owner or manager of each factory making full cream cheese a stencil containing the number of the factory and the state brand "WISCONSIN FULL CREAM CHEESE."

The manufacture and sale of filled cheese is prohibited.

The manufacture and sale of filled cheese is prohibited, except when such cheese is made 10 inches in diameter and 9 inches in height.

Milk.—All milk offered for sale or sold must be from healthy cows, of clean and wholesome character, unadulterated, free from preservatives, and must contain not less than 3 per cent of butter fat.

Lard.—Imitation lard products must not be sold under the name of lard. Compounds containing lard can be sold when labeled "Compound lard."

Coffee.—Coffee must be true in name. It must not be coated or polished to conceal inferiority. Imitations containing no coffee cannot be sold as coffee compounds, but may be sold under coin names. Compounds of coffee and chicory or of coffee, or of coffee and any harmless substitute allied to it in either flavor or strength, and not used simply as an adulterant, may be sold when labeled "Coffee compound."

Syrup.—Syrup is a product of either corn or sugar cane. When made from sugar cane it is called cane syrup; when made from corn it is glucose syrup. It is questionable whether or not one could be considered as an adulterant of the other, as each falls within the true definition of a syrup, as both the mild Rio and strong Mocha are each true coffees. The sale of a mixture of glucose as and for cane syrup is a fraud and a violation of law. The sale of a mixture of glucose and cane syrups without other label than that of the general term "syrup" is permitted. Molasses containing glucose must be labeled glucose mixture, as the value of molasses is dependent upon a pungent flavor peculiar to itself, and not found in glucose syrups.

Maple Sugar.—Must be true to name. A compound of corn or beet sugar with maple sugar cannot be sold even when labeled compounds, as the chief element of value in maple sugar is the maple flavor, and any admixture of other sugars is for the sole purpose of cheapening the article, and is a clear case of adulteration which cannot be remedied by a label.

Flour.—Wheat flour mixed with corn flour may be sold when labeled "compound flour" or "compound wheat flour."

Corn and wheat flour are closely allied in their chemical and nutritive properties, and a compound of these articles would be recognized by the law as "an ordinary article of food."

Buckwheat may be mixed with other flour or self-rising ingredients not injurious to health and sold as "Compound buckwheat flour."

Jellies.—Artificial jellies must not be colored in imitation of natural food jellies, but may be sold for what they are when not labeled in a manner calculated to deceive the ordinary purchaser as to their true character, and when they are free from ingredients deleterious to health.

Honey.—Honey adulterated with glucose or any other substance may be sold when labeled "Adulterated honey."

The sale of honey is regulated by a special law enacted in 1881. It appears in the last revision of the statutes, the revisers evidently holding that it was not repealed by the pure food law of 1897.

Mustard.—Dry mustard must be pure.

Prepared mustard must be free from starch or adulterant of any kind, and, if consisting of mustard, vinegar and spices, may be sold when labeled "Prepared mustard."

A preparation of mustard, vinegar, spices and enough filling of starch to make a mustard of mild flavor to meet a legitimate demand which undoubtedly exists, may be sold when labeled "Prepared mustard compound." Harmless coloring matter may be used in preparations of mustard only to secure uniformity of appearance.

Spices.—All spices must be pure. Any mixture of a foreign substance with any spice is an adulteration. An adulteration of spices cannot be remedied by the label "Compound."

Catsup.—Catsup must not contain preservatives deleterious to health.

Cream of tartar must be pure. All compounds are unlawful.

Chocolate and cocoa.—When made only from cocoa mass, sugar and glycerine, may be sold under the name "Prepared cocoa" or "Sweet chocolate."

Candy must be free from inert mineral matters, and not colored with substances deleterious to health.

Canned goods must be labeled with grade or quality of the goods and the name and address of the seller or manufacturer.

Extracts.—Artificial extracts can be manufactured and sold only in cases where it is not possible to produce an extract from the fruit itself. Extracts of this class must be labeled "Artificial extracts."

Lemon extracts.—Shall contain at least five per cent of the pure oil of lemon dissolved in alcohol. Harmless coloring matter will be permitted. The sale of compound lemon extract is prohibited.

Vanilla extract.—Shall be made wholly from vanilla beans, and shall contain no artificial coloring. The color of a vanilla extract is an indication of its strength, and the coloring in such case would be used for the purpose of concealing inferiority and of making the article appear better than it really is.

When other flavoring substances are used such as vanilla, coumarin, or tonka, the extract should be labeled so as to show the purchaser its true character, as "Compound extract of tonka and vanillin. The label "Compound extract of vanilla" will not be deemed sufficient notice of the article.

Vinegar.—All vinegar must contain four per cent of acetic acid. Cider vinegar must contain two per cent of apple solids. It is unlawful to label spirit vinegars as fruit vinegars. Low wine or spirit vinegars may be colored with harmless coloring matter and sold for what they are.

Baking powder.—Baking powders containing alum must be labeled

"THIS BAKING POWDER CONTAINS ALUM."

The label must be printed in black ink in legible type not smaller than brevier heavy Gothic caps, and shall give the name and address of the manufacturer.

DECISIONS OF THE SUPREME COURT OF WISCONSIN ON FOOD LAWS.

ADULTERATION. RECOVERY OF PENALTY.

Under the law regarding the adulteration of food and drink a penalty may be recovered in a civil action by the state for the first offense. The penalty is not a fine and the first offense is not a misdemeanor. *State vs. Grove*, 77 Wis. 448.

FALSE CHARGES. ADULTERATED BUTTER.

LIBEL. Where a newspaper falsely accuses a dealer of selling adulterated butter, and goes on

to state that the butter is 40 per cent butter and the rest grease, and that persons buying such article are misled into buying it for butter, it is held that such words are actionable per se; and that such words injure the dealer individually and as a dealer in the article, and would be the cause of a morbid turpitude against him. *Dabold vs. Chronicle*, 107 Wis. 357.

FISH INSPECTOR. POWER. LIABILITY.

REID, MURDOCH & CO.

(INCORPORATED)

Manufacturers of the

MONARCH BRAND

OF

FOOD PRODUCTS.

Lake and Market Sts.

CHICAGO.

The power of a fish inspector to determine the quality and healthfulness of fish offered for sale on the markets of a city, and if found to be unwholesome or unfit to be eaten, to condemn and destroy it, is judicial in its nature, and he is not liable to any one in an action for damages, however ignorantly, negligently or carelessly he may act, in the exercise of such power, provided he keep within his jurisdiction. *Fath vs. Koeppel*, 72 Wis. 289.

MILK. EVIDENCE. Held that evidence that cheese made from milk, which was lumpy and bloody, is bloated and puffed and inferior in quality, and that some cheese manufactured from milk furnished by defendant in common with others was so bloated and puffed, is insufficient to show that the milk which the defendant furnished was lumpy or bloody. *Bilgrien vs. Dowe*, 91 Wis. 393.

PURE FOOD LAWS OF WYOMING.

The State of Wyoming has not created a Dairy or Food Commission, and there are but very few laws on the subject of adulteration of articles of food or drink on its statute books. There does not appear to be any department specifically charged with the enforcement of these laws, but violations of the same are punishable in like manner as other misdemeanors committed within the state.

A digest of the laws is as follows:

DISEASED MEAT OR ADULTERATED LIQUOR.

Sec. 5108. Provides if any person knowingly sells any flesh of any diseased animal or otherwise unwholesome provision or any pernicious or adulterated drink or liquors he shall be fined not more than \$200.

ADULTERATED FOODS OR MEDICINES.

Sec. 5109. Every person who adulterates or dilutes any article of food, drink, drug, medicine, spirituous or malt liquor, or wine, or any article used in compounding them, with fraudulent intent to offer the same for sale as unadulterated and undiluted; or fraudulently sells, keeps or offers for sale the same as unadulterated or undiluted, shall be fined not more than \$500 or imprisoned in the county jail not more than sixty days, or both.

Sec. 5110. Every person who knowingly sells or otherwise disposes of or tries to dispose of any article of food, drink, drug or medicine, knowing the same has become tainted, decayed,

spoiled or otherwise unfit to be eaten or drunk, shall be fined not more than \$50 or imprisoned not more than thirty days, or both.

CHAPTER VII.

Sec. 2223. No person shall add to or remove from any drug, medicine, chemical or pharmaceutical preparation, any ingredients or materials for the purpose of adulteration or substitution, or alter the nature or composition of such drug, etc., so that it will not correspond to the recognized test of identity or purity, and no person shall sell or offer for sale any such adulterated article with intent to defraud a purchaser thereof. A violation hereof is punishable by a fine not less than \$50 and not more than \$100 for the first offense and for each subsequent offense a fine of not less than \$75 and not more than \$150.

CHAPTER XV.

ADULTERATED CANDY.

Sec. 2668. No person shall manufacture for sale, or knowingly sell, or offer to sell any candy adulterated by admixture or terra alba, barytes, talc or any other mineral substances by poisonous color or flavor, or other ingredients, deleterious or detrimental to health.

Sec. 2669. A violation of this chapter is a misdemeanor punishable by a fine not exceeding \$100, nor less than \$50. The candy so adulterated shall be forfeited and destroyed.

Sec. 2670. It is the duty of the County and Prosecuting Attorneys to appear for the state and prosecute all complaints hereunder.



DECISIONS OF THE UNITED STATES SUPREME COURT ON FOOD LAWS.

STATUTES, HOW CONSTRUED. They are intended for the protection of public health and are within the police power of the state. *Powell vs. Pa.*, 126 U. S. 678.

BUTTERINE. INTENT TO SELL. An act forbidding the selling or having in possession with intent to sell butterine or any imitation of butter which is not colored a bright pink, and making the having in possession of the prohibited substances prima facie evidence of intent to violate the act, and authorizing its seizure is not unconstitutional. *Armour Packing Co. vs. Snyder* (Minn.) 84 Fed. Rep. 136.

FLOUR. RECOVERY OF PENALTY. Under the act of this state of Dec. 21st, 1792, "regulating the importation of flour and bread," the penalty may be recovered in an action *qui tam*. In order to recover the penalty for altering the inspector's marks on barrels of flour the marks must be set out and the alterations shown. Unless the word "condemned" be branded on the package it is not within the tenth and fifteenth sections of the act. *Cloud vs. Hewitt*, 5 Fed. Cases 1983.

INSPECTION. POWER OF CONGRESS. Congress has no power to enact legislation as to inspection of meats, animals, or their carcasses, before or during their slaughter in slaughter houses within a state. *United States vs. Boyer*, 85 Fed. Rep. 425.

OLEOMARGARINE LAWS. VITALITY. Statutes which prohibit the manufacture or sale of any article in imitation of butter or cheese are within the police power of the state. *Powell vs. Pa.*, 127 U. S. 678; *Walker vs. Pa.*, 127 U. S. 699; *In re Brosnahan*, 18 Fed. Rep. 62.

REGULATION OF SALE. Where a statute has for its primary object the raising of revenue, and not the protecting of purchasers, it is not unconstitutional as being an infringement upon the police power of the state to levy a tax on dealers and manufacturers of oleomargarine and regulate its sale. *United States vs. Dougherty*, 101 F. 439.

OLEOMARGARINE OFFENSE. Under the law requiring retail dealers in oleomargarine to pack the same in suitable wooden or paper packages, and to mark same as the Commissioner of Internal Revenue shall require, an indictment which charges the retail dealer with selling oleomargarine in packages which are not put up in suitable wooden or paper packages is good. *United States vs. Dougherty*, 101 F. 439.

OLEOMARGARINE LAWS requiring manufacturers and dealers to put oleomargarine in pack-

ages marked and branded as the Commissioner of Internal Revenue shall prescribe does not constitute a delegation of power to that officer to determine what acts shall be criminal, because the law sufficiently defines the offense by requiring the packages to be marked and branded and by prohibiting the sale of those that are not, simply leaving the kind of marks and stamps to be determined by that officer. *Ex Parte Kollock*, 165 U. S. 526.

VALIDITY OF COLOR LAWS. Held that it is a proper regulation for preventing fraud and deception and that it is within the police power of the state under the Sess. Acts 1895, p. 26, sec. 2, to prohibit the manufacture or sale within the state of any substance in "imitation or semblance of natural butter" or with which any substance has been combined "for the purpose or with the effect of imparting thereto a yellow color, or any shade of yellow, so that such substances shall resemble yellow or any shade of genuine butter" and that the enforcement of such laws against oleomargarine shipped from other states and sold in original packages is not a violation of the interstate commerce clause of the Constitution of the U. S. *In re Schietlin*, 99 Fed. 272.

OLEOMARGARINE. RIGHTS OF IMPORTERS. Importers have the right to sell to consumers as well as to wholesale dealers oleomargarine in original packages. *Schollenberger vs. Pennsylvania*, 171 U. S. 1.

OLEOMARGARINE. COMMERCE. Oleomargarine having been recognized by an Act of Congress as a proper subject of taxation, of traffic, of importation and exportation, must be deemed a proper subject of commerce. *Schollenberger vs. Pennsylvania*, 171 U. S. 1.

OLEOMARGARINE. COLORING. A state statute prohibiting the sale of oleomargarine as a substitute for butter unless it is of a certain color, is unconstitutional as applied to oleomargarine imported into the state, as this would require its adulteration, the sale of which when so adulterated being prohibited by another law. *Collins vs. New Hampshire*, 171 U. S. 30.

OLEOMARGARINE. NATIONAL LEGISLATION. National legislation on the subject of oleomargarine does not restrict the power of the states over the manufacture and sale of oleomargarine within their respective limits. The state statute preventing the sale of imitation butter in its application to sales of imitation butter brought into the state from others is not in conflict with

the Interstate Commerce Act. A state may exclude from its market any compound, manufactured in another state, artificially colored or adulterated so as to cause it to look like an article of food in general use and thereby cheat the general public. *Plumley vs. Massachusetts*, 155 U. S. 461.

OLEOMARGARINE. INDICTMENT. An indictment sufficiently charges an offense under the statute which alleges that a person, at a stated time and place did knowingly, wilfully, unlawfully and fraudulently remove a brand from a package containing oleomargarine. *Wilkins vs. United States*, 96 Fed. 837.

OLEOMARGARINE. DEALER'S LIABILITY.

A wholesale dealer of oleomargarine is not liable for the penalty imposed by the Act of 1886, even though he wilfully fails to keep a book showing the oleomargarine received by him and omitting to make monthly returns to the Collector of Internal Revenue. *United States vs. Eaton*, 144 U. S. 677.

OLEOMARGARINE. STATE JURISDICTION.

Held that the Governor of a Soldier's Home is not within the jurisdiction of a statute regulating the use of oleomargarine, and that the serving of the same in the Home is not within the jurisdiction of the state, because the governor of the soldier's home is under the control of the United States and wholly beyond the regulation of the state legislature. *Re Thomas*, 82 Fed. Rep. 204.



TABLE OF STANDARDS.

STATE.	Milk.	Cream.	Butter.	Cheese.	Process Butter.	Oleomargarine.	Condensed Milk.
†Alabama.....						Anti-color law.	
†Alaska.....							
†Arkansas.....							
†Arizona.....							
†California.....				Full cream 30% fat. ½ skim, 15% fat. Skim from skim milk Fancy cheese excepted.	To be labeled "Process" or "Renovated."		
†Colorado.....				Colo. full cream 35% fat. "Skimmed" less than 35% fat. Imitation cheese allowed. Anti-color law on "Imitation."		Anti-color law.	
*Connecticut.....						Anti-color law.	
†Delaware.....						Anti-color law.	
†District of Columbia	Solids, not fat, 9%. Fat, 3.5%. Skim, 9.3%, solids.	Fat, 20%.	Fat, 83%. Water not more than 12%. Salt, not more than 5%.				
†Florida.....							
†Georgia.....	Solids, not fat 8.5%. Fat, 3.5%.			Imitation cheese anti-color law.		Anti-color law.	
†Idaho.....						Anti-color law.	
*Illinois.....	Total solids, 12%. Fat, 3%, (see note) Water, 88%.	R. Coffee cream 15% fat. R. Whipping cream, 22% fat.	Fat, 88%.	R. whole milk cheese Fat to solids, 48%.	To be labeled "Renovated Butter."	Anti-color law.	3% milk evaporated to ½ volume.
†Indiana.....	Solids, not fat, 9%. Fat, 3.5%. Water, 88%.	Preservatives prohibited.	Fat, 80%. Water, 15%. Salt, 6%. No preservatives.	Butter fat, 10%. Skim cheese, less than 10% butter fat.		Fat, 80%. Water, 15%. Salt, 6%. No preservative.	
†Iowa.....	Solids, 12.5%. Fat, 3%.	Fat, 15%.		Anti-color law on imitation.		Anti-color law.	
†Kansas.....							
*Kentucky.....	Solids, 12%. Fat, 3%. Butter fat Retichert Mistel No. 24, Sp. G. 905 at 40° C.	Coloring matter and preservatives prohibited. Fat, 15%.	80% fat.	Skim C. less than 10% fat.	Classed as—"Adulterated."		
†Louisiana.....							
†Maine.....	Solids, 12%. Fat, 3%. Water, 88%.			Imitation cheese. anti-color law.		Anti-color law.	
†Maryland.....					Anti-color law for imitation cheese.	Anti-color law.	
*Massachusetts.....	Solids (Apr. to Sept.) inclusive, 12%. Solids, not fat 9%. Fat 3%. Other months— Solids, 13%. Solids, not fat, 9.3%. Fat, 3%. Skimmed milk— Solids, not fat, 9.3%.				Marked "Renovated."	Anti-color law.	
*Michigan.....	Solids, 12.5%. Fat, 3%. Water, 87.5%. Sp. Gr. at 60° F. 1.029 to 1.033. Skim milk, Sp. gr. at 60° 1.032 to 1.037. Coloring and preservative prohibited			Full cream C—Made from whole milk. Filled cheese prohibited.		Anti-color law.	
*Minnesota.....	Solids, 13%. Fat, 3.5%. Water, 87%.	Fat, 20%.		Minn, full cream— Fat to total solids, 45%. Skim less than 45% fat to solids.	Marked "Renovated."	Anti-color law.	
†No Commission							
†Dairy "							
*Food "							
R—Ruling.							

BY EDWARD N. EATON, M. S.
ILLINOIS STATE ANALYST.

Vinegar.	Preservatives.	Candles.	Baking Powder.	Extracts.	Jellies and Jams	Liquors.	Miscellaneous.
		Mineral substances prohibited.				Wine—"Native wine must be pure. Sweetened wine, so labeled. Artificial W—Illegal 17% alcohol,—maximum.	
		Use of mineral substances prohibited				Analine, dyes and antiseptics prohibited.	Syrup: glucose prohibited. Honey: artificial feeding prohibited.
						Wine—must be juice of grape.	% of glucose used in sirup given.
Acidity 4%. Cider vinegar, 2% solid.		Candy containing liquor prohibited.					Glucose prohibited in molasses.
		Use of mineral substances prohibited					Flour—Superfine labeled "S. D." Common, labeled "C. D." Inferior rejected.
Acetic, Acid, 4%. Solids, 1.5%.		Terra Alba prohibited.				Preservatives prohibited.	Glucose .06%. Ash.
		Mineral substances and poisonous colors and cochineal prohibited.				Drugs and cochineal coloring prohibited	
		Terra alba, etc., prohibited.					
Cider V., solids, 2%. All others, 4.5% acid. Cider Vinegar, solids 1.75%, ash, .25%. Fermented Vinegar, solids, 1.25%, ash .25%. All Vinegar, acid 4%.	R. prohibited in milk.	Free from mineral matter.	Name of acid ingredient to be placed on label	Artificial—so labeled. R. Lemon Ex.—5%. lemon oil. Vanilla mixtures and compounds labeled with names of ingredients.	Glucose prohibited unless labeled imitation.	Drugs and cochineal coloring prohibited.	R. Spices must be pure. Chocolates & cocoas composed of cocoa mass sugar and flavoring only. Note—Wording of law "3% of solids."
Acid, 4%. Cider V., 2% solids. Artificial color barred.	Formaldehyde barred; other preservatives may be used if labeled, except as specially prohibited.					U. S. Pharmacopoeia standard.	Flour 3 qualities—"Superfine" "fine" and "coarse."
		Terra alba prohibited.					% glucose in sirup given. "Soaked" canned goods marked.
Acidity, 4%.	"Household" antiseptics allowed. Goods containing other antiseptics branded "Adulterated."	Mineral substances and harmful coloring considered adulterations.	Acid ingredient must be given.		Solids, 80%. Acid, 1%. Ash, .6%. Jelly, solids, 65%. Acid, 1%. Ash, .3%.		"Soaked" canned goods marked.
		Use of mineral substances prohibited Brandy drops "					Glucose must be branded if used in sugar or molasses. Maple sugar must be pure.
Acidity, 4.5%. Cider V., 2% solids.		Alcohol prohibited.		Ingredients named.			
Acid, 4%. Fermented V.— Solids, 1.75%. Ash, .25%. Artificial coloring prohibited.		Mineral substances prohibited.	If labeled must be true to name.	Vanilla compounds labeled with name of each ingredient. Vanilla must contain no artificial color. Artificial ex. prohibited when ex. can be made from natural fruit. R. Lemon extract 5% oil of lemon.	Adulterated to be labeled—"Imitation" and color prohibited.		Black Pepper— Ash, 6.5%. Starch, 25%. Vol. ether ex., .6 to 1.75 Fiber 16%. Maple sugar and sirup must be pure. Cream of tartar and honey must be pure
Acidity, 4.5%. Cider V., 2% solids. Artificial color prohibited. Grain strength marked on barrel.	Prohibited in milk. Prohibits advertising or mfg. preservatives intended for milk. Use prohibited in food and dairy products.	Terra alba prohibited.	Trade names of all ingredients used to be placed on label.		Adulterated jellies so labeled.		

TABLE OF STANDARDS—Continued.

Vinegar.	Preservatives.	Candies.	Baking Powder.	Extracts.	Jellies and Jams	Liquors.	Miscellaneous.
Artificial Vinegar prohibited.		Terra alba law.	Alum powders prohibited.			Hop substitutes barred.	
Acid, 4%. Cider V., solids 2%. Artificial coloring prohibited.	Not allowed in cider unless branded "adulterated."	Mineral substances prohibited.				Drugs, etc. prohibited.	
Acid, 4.5%. Cider V., solids, 2%. Artificial coloring prohibited.	Prohibited in dairy products.	Mineral substances prohibited.				Pure wine, 75% undried fruit juice with necessary clarifying agents; sugar and alcohol not to exceed 8% of volume. $\frac{1}{2}$ wine cont. 50 to 75% undried fruit juice. Made wine cont. less than 50% undried fruit juice. Alum, alkalies carbonic acid, glycerine, antiseptics, artificial coloring and flavoring prohibited.	Maple sugar and sirup must be pure. Mixtures must be labeled with names of ingredients. Honey must be pure.
Acid, 4.5%. Cider V., 2%, solids. Artificial color barred.		Prohibits terra alba, etc. mineral colors and poisonous colors and flavors.					
		Mineral substances prohibited.					
Acid 4%. Cider V., 2% solids. Fermented V., 2% solids; Ash .25%. Brand and date on barrel. Artificial color prohibited.		Terra alba barred.				"Pure Wine" made from undried grapes without any addition. "Wine" made from not less than 75% grape juice, with sugar and necessary clarifying agents. "Compounded" cont. less than 75% grape juice; and fortified wines. "Adulterated" wines made from glucose or charged with carbonic acid or cont. antiseptics or artificial coloring, prohibited.	
Acid, 4.5%. Cider V., solids, 2.00%	Prohibited in dairy products.			Adulterated ex. so labeled with % of adulteration on label.	Must be pure.		
R. Acid, 4%. R. Cider V., solids 1.5%. R. Colored distilled prohibited. Fermented, 1.5% solids.	R. not allowed in meat.	Mineral substances barred.		R. Name of acid ingredient printed on label. R. Lemon, oil lemon 5%.	Adulteration prohibited in apple products		R. Canned goods— Tin on can must not contain more than 2% lead. Lard, fat, 9%.
Acid, 4.5%. Cider V., solids, 2%.		Terra alba barred.					
		Mineral substances prohibited.					
Acid, 4.5%. Cider V., solids, 2%. Colored V., illegal. Grain strength branded on packages.	R. Prohibited in dairy products, catsup, elder and meats and sirups.	Mineral substances prohibited.	Alum powders labeled "this powder contains alum," Cream tartar must be pure.	R. Adulterated lemon so labeled. Compounds labeled with name of each ingredient. Artificial extracts labeled "imitation."	R. Adulterated labeled "mixture" or "adulterated"	Free from artificial coloring.	Canned goods, green-lug prohibited.

TABLE OF STANDARDS—Continued.

STATE.	Milk.	Cream.	Butter.	Cheese.	Process Butter.	Oleomargarine.	Condensed Milk.
*Utah.....	Skim solids, not fat 9%.			Skim prohibited, except cheese, 9 to 11 in diameter and not less than 4 in height. Filled C. prohibited.		Anti-color law.	
+Vermont.....	Solids, 12.5%. Solids, not fat, 9.25%. For May and June— Solids, 12%.						
+Virginia.....						Anti-color law.	
*Washington....	Solids, not fat, 8%. Fat, 3%.	Fat, 18%,		Wash. state full cream C. Butter fat, 30% min. Skim, 15% min. Filled C. and cheese cont. less than 15% fat prohibited. Fancy cheese excepted.	To be branded "Renovated"	Anti-color law.	
+W. Virginia....						Colored pink.	
*Wisconsin.....	Fat, 3%. Viscogen may be used if labeled.			Full cream, made from whole milk. Skim cheese, size regulated.	Labeled "Renovated."	Anti-color law.	
+Wyoming.....							
Porto Rico.....	Solids, 1%. Fat, 3%.		Fat, 80%. Water, 16%. Salt, 7%.	Water, 64%, max. Water, 20%, min. Fat, 68%, max. Fat, 15%, min. Ash, 9% max, 1% min.			
†No Commission ‡Dairy " *Food " R—Ruling.							

The form of label required by law is often inseparable from the standard demanded for food products. The table of standards includes some regulations as to labeling. Others governing the more common food products are as follows:

Coffee—	Illinois—	Mixtures labeled "Coffee Compound."
	Michigan—	Mixtures labeled "Coffee Compound."
	Pennsylvania—	Name of adulterant on label.
	Washington—	Labeled "Coffee Compound." with name of constituents on label.
Canned Goods—	Illinois—	Labeled with grade or quality. "Soaked" or "bleached" goods so marked.
	Iowa—	"Soaked" goods so labeled.
	Kentucky—	"Soaked" goods so labeled.
	Michigan—	"Soaked" or "bleached" goods marked.
	New York—	"Soaked" goods so labeled.
	Ohio—	"Soaked" goods to be labeled.
	S. Dakota—	Greening prohibited.
Flour—	Delaware—	Superfine, labeled "S. D."; Common, "C. D." and inferior, rejected.
	Illinois—	Mixtures labeled "Compound."
	Indiana—	Three qualities: "Superfine," "Fine" and "Coarse."
	Michigan—	Buckwheat mixtures and compounds allowed if labeled.
	S. Dakota—	Farinaceous mixtures sold under coined name.
	Virginia—	Four qualities: "Family," "Extra Fine," "Superfine" and "Fine" or "Middlings." Mixed flour labeled "Combination" and ingredients given.
	Washington—	Compound and self rising buckwheat allowed.



TABLE OF STANDARDS—Continued.

Vinegar.	Preservatives.	Candles.	Baking Powder.	Extracts.	Jellies and Jams	Liquors.	Miscellaneous.
Acid, 4.5%. Cider V., solids 2%. Grain strength marked.	Prohibited in dairy products.	Terra alba barred.	.....	.....	.....	.....	.....
.....	.....	Mineral substances prohibited.	.....	.....	.....	.....	.....
Acid, 4.5%. Cider V., solids, 2%.	.....	Mineral substances prohibited.	Alum powders specially pro- tected by law from operation of label law. May be sold with out formula, but if acid in- gredient is named all con- stituents must be given.	.....	.....	.....	.....
R. Acid, 3.5% Fermented— Solids, 1.75%. Ash, .25%. Colored distilled prohibited.	Prohibited in milk and liquors. Salicylic acid prohi- bited.	R. Mineral substan- ces prohibited.	.....	.....	.....	Preservatives and saccharin prohib- ited.	Saccharin and coal tar dyes prohibited in food products. R. Peas and pickles cannot be colored with copperas.
.....
Acid, 4%. Cider V., solids, 2%. Colored distilled legal if labeled.	Prohibited in milk and catsup.	.....	Alum powders to be labeled.	Artificial prohibited if genuine can be made. Lemon—oil lemon 5% Vanilla—Comp. per- missible. Coloring prohibited.	R. Coloring of artificial prohi- bited.	.....	R. Dry mustard. spices, cream tar- tar, maple sugar, must be pure.
.....	.....	Mineral substances prohibited.	.....	.....	.....	.....	.....
Acid, 3.5%.	.....	.....	.....	.....	.....	.....	.....

Honey—	California—	Artificial feeding prohibited.
	Minnesota—	Feeding bees cane sugar or glucose prohibited.
	S. Dakota—	Adulterated honey labeled with name of compounded substance. Honey made by feeding bees glucose or sugar prohibited.
Maple Sugar and Sirup—		
	Illinois—	Must be pure.
	Maine—	Must be pure.
	Michigan—	Must be pure.
	Minnesota—	Mixtures labeled with names of ingredients.
	New York—	Mixtures must be labeled with names of ingredients.
	Wisconsin—	Maple sugar must be pure.
Molasses—	California—	Glucose prohibited.
	Colorado—	Percentage glucose must be given.
	Connecticut—	Glucose prohibited.
	Illinois—	Containing glucose to be labeled "Glucose Mixture."
	Iowa—	Percentage glucose in sirup must be given.
	Maine—	Glucose an adulteration.
	Michigan—	Containing glucose to be labeled "Glucose Mixture."
	Louisiana—	Requires specific labeling.
	South Dakota—	As a general rule, in harmless mixtures the word "Adulterated," should precede the name of the adulterated article.
Eggs—	Maine—	Cold storage or fined eggs must be sold as such.



E. R. DURKEE & Co.'S

*"ABSOLUTELY
PURE CONDIMENTS"*



*"AND AIDS TO
GOOD COOKING."*



ABOVE WE ILLUSTRATE A FEW OF THE ARTICLES WE ARE MANUFACTURING.

We challenge comparison of our "GAUNTLET" goods with the products of any and every manufacturer in the world. We are the actual importers and manufacturers of every article we offer for sale. Nothing is packed for us; every process is done under our own personal supervision. Hence, we can positively warrant each article in the most unreserved and positive manner. As we are the largest grinders and packers of **PURE SPICES** in this country, and as our facilities are practically without limit, we can offer a variety and quality offered by no other house. At the World's Fair in Chicago in 1893 we were awarded medals for superiority.

If you have any cause for complaint of the Spices, Herbs, Extracts and Condiments you have been using, simply try a package of any article bearing our name and Trade Mark of the "GAUNTLET" and make the comparison yourself. They are full-weight, full-strength, absolutely pure and unvarying in quality. They cannot be excelled.

E. R. DURKEE & COMPANY

COR. OF CHARLTON & WASHINGTON STS.

NEW YORK, N. Y.

JOURNAL OF PROCEEDINGS
OF THE
SIXTH ANNUAL CONVENTION
OF THE
National Association of State Dairy and Food Departments.

PORTLAND, OREGON, JULY 9th, 10th, 11th, 12th and 14th, 1902.

Portland, Ore., July 9, 10, 11, 12 and 14, 1902.

The Convention was called to order by Hon. Alfred H. Jones, President, at 9:30 o'clock a. m.

PRESIDENT JONES: The Convention will please come to order. I have asked Commissioner J. W. Bailey of Oregon to take charge of the meeting this morning.

Mr. Bailey then addressed the Convention as follows:

Mr. President and Gentlemen of the Convention: To tell you that this is a proud and happy moment in my life does not express my feelings. It has been my wish and desire for the last few years to have this Convention come to Oregon. We want to show you something about our Western country. It was our custom formerly, when honored people came to visit us, for dignitaries to meet them with authority of office, and after welcoming the guests to turn over to them the city and the keys; but in these modern times we welcome you in a different way. We not only extend to you the welcome of our city, but the welcome of our hearts, and while I have no golden keys to tender you on a velvet cushion, we have the doors of the City of Portland and the State of Oregon wide open to receive the members of the National Association of State Dairy and Food Departments, their families and friends.

It has been my pleasure to meet with you on several occasions in different cities on the other side of this continent, and at these times I have taken occasion to tell you many things about our State of Oregon. I have told you of our magnificent forests, of our beautiful rivers, of our fruits, particularly peaches, and of our flowers. During the last day or two you have had some chance to see something of our productions here, and we hope to have a chance to show you still more.

We had expected this morning to have our Governor here to deliver to you the address of welcome on behalf of the city and state; but he is unavoidably absent. However, we have with us a man who is at the head of the Agricultural College of this state, a man who went out among the dairies and among the farmers and found them.

I have now the honor of introducing to you Dr. Charles Withycombe, who will speak to you on behalf of the State of Oregon.

ADDRESS OF WELCOME BY DR. CHARLES
WITHYCOMBE OF STATE AGRICUL-
TURAL COLLEGE, CORVALLIS,
OREGON.

Mr. President, Ladies and Gentlemen: This is somewhat unexpected; however, I deem it a great privilege to meet with this body of gentlemen.

You know we are in the extreme West and we are a young state and only strong in the measure of our agricultural resources. What we need most is population of the desirable kind. We have something like ninety thousand square miles of territory and there are wonderful possibilities here, but we have only a half million of population. You will see for yourselves, during your brief visit to this state, what our magnificent forests are like. Of course you will not enter into the depths of the great forests where the giant fir trees stand two or three hundred feet high, but this gives you some idea of some of those giants. But you will see enough of our valleys on the east and on the west side to show you what our possibilities are. We think now that we are in the center of the population of the world and with development we predict a great future for this western country. We believe that the Pacific will take equally as important a position as the Atlantic in carrying the commerce of this great nation, and that this

ocean will be lined with steamers carrying the products of the farms of this great country.

I will not take up your time any longer, but I want to say to you that the State of Oregon welcomes you most cordially, and our greetings are most heartily extended to you.

MR. BAILEY: Gentlemen of the Convention, while I have told you, as I said before, about our big trees and all that, I do not know that I have told you anything about the kind of men we have out here. But I want to show you that the same climatic conditions have an influence upon our men. We have here among us to-day a man who has been serving this state and country in his greatest capacity for sixty years. Mr. President, when you and I were born this man was serving his country. We might think that after forty or fifty years of this kind of work it would get old; but at heart a man is not old at sixty-five, seventy or eighty years of age.

A few days ago we had the honor of having the Hon. George H. Williams accept the duties of the municipality of our city. I take pleasure in introducing to you Mayor George H. Williams, who will welcome you on behalf of the City of Portland.

ADDRESS OF WELCOME BY HON. GEORGE H. WILLIAMS, MAYOR OF PORTLAND, ORE.

Gentlemen of the National Association of State Dairy and Food Departments:

I have the honor, and it is my pleasing duty as Mayor of Portland, to extend to you a hearty welcome to this city.

You have made a long journey to visit us and we want to provide every facility in our power for your enjoyment while you remain here. We want you to feel that though you live three thousand miles away you are as much at home here as you would be among your more immediate neighbors. *E Pluribus Unum* is geographically as well as politically true in these days of railroads, telegraphs and telephones. We have some things in this country that you do not have in the Eastern States, among which are our snow-capped mountains to whose "icy halls of cold sublimity" we give you a warm and cordial welcome. Some one has said that this is a hard world to live in, but there is a great deal of good drink in it, and you will find this remark verified when you come to drink our Bull Run water, as it comes clear, cool and sparkling from a region of perpetual winter. There are no bacteria in this water, as these ugly creatures are frozen to death before they get a start for our reservoirs. We think that no part of our country is better adapted to the dairy business than Oregon, and the quality of our milk is unexcelled, as our cows drink pure water and

for a large part of the year feed upon green grass. But some of our milkmen seem to think that a little Bull Run water mixed with the milk adds to its purity and weight. Some of our people occasionally drink a little whiskey, but I need not speak here of its quality, for most of what we consume comes from that part of the country in which you live. Oregon has been facetiously called the "land of rain and red apples." Our rain comes not in cloudbursts and thunder storms, but softly, gently and in sufficient quantities to keep the face of the earth clothed with an emerald hue and to prevent the destruction of any crop by a drouth. I wish to enter my protest here against the accusation that some of our envious neighbors make that Oregonians have webs or fins upon their feet. As to red apples, they are not only red, but rich and juicy. I have consulted some of our most astute theologians and it is their opinion that if the forbidden fruit in the Garden of Eden was like our red apples our mother Eve could not have been blamed for disobeying her instructions. Our other fruits, pears, plums, cherries and peaches, in the southern part of the state, keep company with our apples, and strawberry shortcake made of Oregon strawberries, ninety carloads of which have been shipped this year from one locality, is an acknowledged improvement upon angels' food. We invite you to discuss, not so much intellectually as gastronomically, our salmon, more than a million dollars worth of which are caught annually in the Columbia river. This royal fish you will find to be pure and unadulterated food. It is a food fit to adorn the tables of kings. We hope that our climate, scenery and the good things we have to eat and to drink will please you so much that you will be inclined to visit us again, and hopefully, like many others, when you come to visit, you will conclude to stay. The hospitalities of the city of Portland are at your service.

MR. BAILEY: I have now the pleasure of introducing to you the Hon. Joseph E. Blackburn—

MR. BLACKBURN: No, Joe Blackburn.

MR. BAILEY: Joseph E. Blackburn of Columbus, Ohio, who will now respond to the opening address.

RESPONSE TO WELCOME ADDRESS BY HON. J. E. BLACKBURN.

I am glad that the chairman specified that it was Joseph E. Blackburn from Ohio, after the remark made by the worthy gentleman from Kentucky I did not want anybody to understand that it was Joe Blackburn from Kentucky.

Now, on behalf of the Association, I desire to acknowledge our sincere appreciation of the kind words of welcome that have been extended to us. Speaking for myself, I have been wanting

to come to Oregon for four solid years. It is just four years ago this month that I saw the Oregon exhibit of fine fruits in Omaha. I tried to buy some of the fruits from the attendant there, but he said it was for exhibition purposes only. That made me a little suspicious that it did not taste just as good as it looked, and I got a man to go around and engage the attention of this man who had charge of the exhibit while I proceeded to help myself to a sample of those cherries. I thought those cherries were all right, tasted just as good as they looked. It must have been the taste of those cherries in my mouth that made me make a motion at our last meeting in Buffalo to come to Oregon to hold our next National meeting. This goes to show, gentlemen, that other things besides bread cast upon the waters will return after many days. And I was not only pleased but delighted when the reception committee met us at Huntington yesterday that they had brought along with them a very liberal supply of those same cherries.

We have enjoyed yesterday, I think, what is perhaps the finest panorama in the world. It seems more beautiful, more grand, more striking and more impressive coming down the river after a two days' ride across the great American desert. It is indeed the land of great things—you have a big state, big mountains, big valleys, big canons, big rivers, big fish and big fish stories; and not only this but a land of magnificent distances also. I was fairly amazed to note that you could see Mt. Hood after a day's journey as well as we did when we started in the morning. This speaks well for your climate. It is not only a good climate but, as the Irishman remarked, there seems to be a good deal of it. Speaking of Irishmen—there was an Irishman named O'Reagan, just over, who had the good fortune to see the great battleship Oregon after its wonderful action at Santiago. He looked the ship over and spelled the name out very carefully, O-r-e-g-o-n, and then he said: "Be jabbers, America is a great country indeed. I have only been here two weeks and they have got a great battleship after me already."

Now, your mayor said something a while ago about the Garden of Eden. Some member of the party said there must be some mistake in locating that Garden of Eden so far East. We think it is right around here in the neighborhood of the Columbia River somewhere. It certainly is in Oregon and it cannot be very far from the City of Portland—we are sure of that; we are convinced of it. There is only one drawback to that theory. Tradition tells us there was a serpent in that Valley of Eden, and I have not found here that it was reported that there was any serpent. I have no doubt, however, that if the supply of the beverage which made Kentucky

famous is as liberal here as your mayor represents, they may yet see the serpent, for I am told that a liberal application of that beverage will make a man see almost anything. Well, we are from Missouri.

And now, Mr. Bailey, Professor Withycombe and Mayor Williams, I desire, on behalf of this Association, its officers, members, friends and ladies, to express our sincere appreciation for the cordiality of your welcome and for the opportunity we have had to see this magnificent country; and we hope to see more of it.

I sincerely hope that the meeting begun after such a long journey and under such favorable auspices will be redundant with good results and make each and all of us feel glad that we have been here, and make us all want to come again.

The above response to welcome address was followed by

ADDRESS BY HON. A. H. JONES, PRESIDENT.

Gentlemen of the National Association of State Dairy and Food Departments:

It is a very great pleasure to meet so many of the members of this Association in this beautiful City of Portland, in this the sixth annual session of our Association.

When the question came up at our last annual meeting at Buffalo, N. Y., as to fixing the place where we should hold our next annual meeting, many cities throughout the United States, through their respective representatives, presented their claims. Their respective attractions were portrayed in glowing colors. We were assured that in case their invitation was accepted we should be entitled to their best and choicest fruits and our stay made pleasant as well as profitable while holding our session in their midst.

I think I voice the sentiment of every member of this Association when I say that no other city's invitation appealed to us like that of the City of Portland, and when Commissioner Bailey said in presenting this city which he had the honor to represent, that he wanted us to come West, to cross the Rocky Mountains to the Pacific Coast states and see that wonderful country, and hold our convention in this lovely city whose growth in population, wealth and intelligence has been so phenomenal, he seemingly hypnotized the convention and every member voted in favor of Portland.

I want to congratulate this convention that in accepting the invitation of the citizens of Portland, as well as the State of Oregon, that no mistake was made in the selection. Here would seem to be the work of enchantment—Aladdin and his wonderful lamp would seem to have created this lovely city and the beautiful country surrounding it—and when we think of the short time in which

all this has been accomplished it seems more like a dream than a reality. If Senator Benton could visit Portland and traverse the State of Oregon to-day; if he could cross the continent in a Pullman palace car and see this western Utopia, how the desert and the solitary places have been made to blossom, he and the senators who opposed the admission of the State of Oregon into the Union on account of its distance from the National Capital, as it was claimed by these great statesmen, "It would take the full twelve months in each year to make the round trip from Oregon to Washington," and consequently it was impracticable for Oregon to take part in national affairs. Senator Benton's future vision was obscured; he could not see into the future and see the railroads, the telegraphs, the telephones and the many other inventions of the nineteenth century that seemingly removed time and distance. These Fathers of the Republic could not fathom the future or they would have understood that these barriers would be removed, so that to-day the Senator in Congress at Washington can talk to the Senator in Portland, Oregon, or any part of our Republic, and distance in time or place, so far as these questions are concerned, is a thing of the past. We can know all over this fair land of ours what is occurring at every hour of the day or night.

Your attendance in such numbers from all sections of our country attests your deep interest in an organization having for its prime objects the enforcement of the food laws of the different states, and to obtain uniformity of laws and rulings in regard to the manufacture and sale of the various food products, as well as devise a system or method by which the food products of our country can be properly and uniformly labeled so we may have one set of labels for all the states and territories. If this can be accomplished, then the dealer, purchaser and consumer, as well as every one interested, may know just what the article is; if a uniform law and rulings can be secured for every state and territory, then substantially one form of labels and one set of rulings will answer for every state and territory in the Union, and there is no good reason why the old law on all these food products and the rulings thereon might not be the same and applicable alike in every state and territory. It will teach what we are all endeavoring to teach—that the public should be plainly advised as to the true name of the article or ingredient of food.

Another of the objects of this Association is, if such laws as are needed to accomplish any of these objects are not in the statute books of the respective states, for this organization to formulate such law so that it may be applicable to all the states alike so that the commissioner of that state can recommend the law to the legislature of the state that has no such laws, so that this uni-

formity in the laws and rulings may be obtained, whereby these objects so vitally necessary to the lives, health and welfare of the people of our country may be protected. You could not have been convened for a more commendable purpose, and the furtherance of the principles of our platform will entitle you to the lasting gratitude of this generation and to the highest esteem of your successors. This is no ordinary gathering, and the influences for good of this meeting, and meeting of organizations of this kind will extend down the ages. We see state after state falling in line and vying with each other in passing laws guarding the food products, but the legislation along these lines is new and it takes time to educate the people and teach them how these laws are for their health; that they are enacted in their interests. As soon as we can show them that these laws are in their interests and meant for their protection, then a sentiment will be created so strong in their favor that courts and juries will not hesitate to enforce them.

While I have mentioned some of the more important objects to be accomplished by this Association, I did not mention them all, for there are many others that are really necessary in order to secure the absolute enforcement of our State Food Laws, and among the many of what we might term secondary helps, is the necessity for standards relative to the various food products. There is scarcely any one thing that caused the State Food Departments more trouble than the absence of a fixed standard—that is, some measure fixed by law—the necessity for other standards fixed by law, such as money weights and measures has been recognized. Our different state governments have generally been content to measure food by the quart, the pound, the peck and the bushel. The time has come when there should be a change. We find in this, the morning of the Twentieth Century, advances along all other lines of progress but this. The time has come when foods should be measured by their composition as to strength, quality, purity and effect upon the health. The State Food laws do not accurately, as a general rule, define what shall be the standard in food, and on account of there being no fixed standard the violators of the law hold that inasmuch as no standards are fixed by law they cannot be held to a definite composition in their preparation of any article of food, and consequently may sell as pure any article of food that is not injurious to the health, no matter how low in percentage its food constituents may be. At the last meeting of our Association this question was taken up and a committee was appointed to meet with the National Association of Official Agricultural Chemists which was to meet at Washington, D. C., and see if the question of standards for our various food products might not be agreed upon,

and that report I presume will come up at this meeting, and it is the opinion of all that this perplexing question may be finally settled.

But in order to make these proposed laws a success, there should first be a National Food Commission, at the head of which shall be a National Commissioner with laws governing all the questions. For instance, such a national law as that set forth in the Warner bill, as introduced in the present Congress by Congressman Warner of Illinois. The law should give the Commissioner quite wide or general powers in regard to making rulings, labeling, stamping, as well as power to make standards for the various food products—this would be no interference with the Interstate Commerce Law, as no one can bring into a state an adulterated article of food and claim the exemptions that are allowed under the Interstate Commerce Law. We know what it is to have the manufacturer or packer have the goods in his warehouse marked "Illinois," "Wisconsin," "Michigan," and so on, and has to have his set of labels, stamps, brands—these things are of constant occurrence and we know what it means not only for the manufacturers and packers but for the food commission as well, and nothing in my opinion could be more effective or do more for the cause of pure food than the unification of these laws, National and State, and so blend them together that in the future these questions may be substantially settled.

The magnificent campaign against adulterated unwholesome and impure food, which you have so successfully conducted during the past year, will conduce greatly to bring about these needed laws, as well as enhance the health, happiness and material prosperity of our country, and when we look back over the past five years of our organization and see the condition of the food products of the different states, and the absence of a State Food Commission or food laws in nearly all the states, and see to-day thirty-five states are enrolled under a State Food Commission or State Food Inspection, meant to answer the purpose of a commission, and that all the other states have enacted laws of some kind to regulate the manufacture and sale of the food product and protect the life and health of the citizen, we can rejoice that our work has not been in vain.

It is with much pleasure that I call your attention to the last annual report of this Association, as in it is embraced much that is of interest to the members of this Association as well as everyone interested in the enforcement of the food laws of the different states. Among other matters of interest is a compilation of the food laws of the different states, or substantially all of the laws with the rulings thereon; also the bill introduced in Congress by Congressman Warner of Illinois with the amendments thereon creating a Na-

tional Food Commission. The report shows that much pains has been taken in its preparation and will be of great help to our cause and prove a valuable addition to the literature of pure food.

It is very gratifying to be able to report that there has been no lack of zeal and enthusiasm in the general effort that has been put forth the past year by the members of this Association to enforce the state food laws, and to make them more effective, and when we see what has been accomplished in the different states, as well as in the nation, we feel that our Association is placed upon the highest plane of usefulness.

When we think that the whole human family is dependent on the food product; that it is engaged in a struggle for it and cannot live without it; that the condition of humanity depends upon the quality of its food, and that a people are prepared for this struggle for existence in proportion as its food products are kept pure and wholesome; that you can tell the standard and character of a nation by the wholesomeness and purity of its food products—by the food it eats—and that in our respective states we are intrusted with the duty of enforcing these food laws and thus guarding the people, and protecting them from manufacturer and dealer in impure and unwholesome foods, we can understand what a great duty we have to perform.

We find as we draw aside the curtain of time and look down the centuries as they pass before us in panoramic view, that it took forty centuries to prepare the human family for the coming of Christ, and Christianity, and that it took almost eighteen centuries more to prepare the nations of the world for a government here in the new world of the people.

The trouble down the centuries has been over this same food product—it started in the Garden of Eden. Six thousand years ago we find that the beasts of the field, the fowls of the air and all other created things according to their kind or variety were named, but the orchard was overlooked. We have no authentic way of telling what kind or variety of apples grew in that garden—whether the Ben Davis, the Rome Beauty, the Belle Flower or what the kind or variety of the apple in that garden, and for six thousand years the human family has paid the penalty. The Nineteenth Century will stand among the centuries as that one in which the nations learned that all men are born free and equal. Shall we not hope that the twentieth century will stand by its side as one in which the nations learned that the food products of the earth were made for man, and the nations of the earth must protect, preserve and keep them pure and wholesome. The men and women who have had nothing but pure and wholesome food for their daily fare have had the blessings of the earth; they have eaten its

fresh, ripe fruits; they have breathed its pure air; they have drunk its pure waters; they have wrought in its living sunshine; they have rested in its leafy shades, and by its babbling brooks; to them the change of seasons brings varied healthful living employment; to them the labeling of the food products brings faith and trust in a kind and bountiful Providence; to them the heavens declare the glory of God; to them the beautiful quiet nights bring halcyon dreams of eternal peace and rest; they have basked in and tasted the pure and sweet nectar of real life; they are the poets, the painters, the statesmen, the philosophers, the preachers, the teachers, the physicians, the orators and the judges as well as the lovers of the human race. They build the asylums and hospitals for the poor and unfortunate, and sweet charity finds in them her most devoted devotees and may the choicest and richest blessings always be theirs.

The citizens of Portland have spared no pains or time to complete arrangements for this meeting, and I vouchsafe to say you each and every one will receive that cordial reception and enjoy the gracious hospitality characteristic of the cultured people of this beautiful city.

My heart is full of gratitude to my associate members of the National Association of State Dairy and Food Commissioners who have labored so devotedly and earnestly and they are entitled to the country's highest esteem for the success of the work accomplished and to the secretary and committees who have so ably and acceptably discharged their duties. I join with you and the Association workers in extending a full measure of commendation and thankfulness. In conclusion I would refer to the excellent program prepared for this meeting. The members who have so kindly accepted our invitation to address you are authorities on the subjects which they will present and will receive your most kind and courteous attention.

MR. BLACKBURN: Because of the absence of our Secretary-Treasurer, Mr. Noble of Connecticut, I would suggest that the place be filled temporarily and would like to nominate Mr. Allen of Kentucky.

MR. PATTERSON: I second that motion.

Mr. Allen was thereupon unanimously elected as temporary Secretary of the organization.

Calls for speech from Mr. Allen.

MR. ALLEN: Mr. President and Gentlemen—I thank you for the honor of entrusting to me the proceedings of this Convention. We have many great subjects to discuss, and in their discussion some bright thoughts will be gleaned that will help us in enforcing our State laws, help us to unify our efforts, and help us to jointly solve some of the problems of getting purer foods into the markets of the nation.

I shall do all possible to assist in preserving these discussions for the report. I thank you, gentlemen, for your confidence in making me secretary of our Convention.

PRESIDENT JONES: Gentlemen of the Convention, Hon. Joe Blackburn, who has been introduced to you—we do not know him in our country as Joseph E. Blackburn, but the boys and the people all know him and every one calls him "Joc" because he is a good fellow and everybody knows and likes him—he is Chairman of the Committee on Program, and I presume he will announce the program for the day.

MR. BLACKBURN: I desire to state, Mr. Chairman and Gentlemen of the Convention, that, owing to circumstances entirely beyond the control of the Committee and entirely beyond the control of the Reception Committee, we did not have any session yesterday, as was originally planned, and as the other arrangements now will take up all of our time except to-day and to-morrow, it is necessary to rearrange or recast our program so as to do three days' work in two. And for that reason the Executive Committee, or such of its members as we could get together yesterday afternoon on the boat, have made this recommendation to your meeting:

That the program for Tuesday, July 8th, be changed to Wednesday morning, July 9; that the program for Wednesday forenoon be changed to Wednesday afternoon, and that the program for Thursday be completed on Thursday and that we have a morning session for that purpose, and if necessary we can have a Thursday afternoon session. If new questions should arise we could complete our performance on Thursday evening, as I understand Mr. Bailey has made some arrangements to entertain the visitors on Friday, Saturday and Monday.

Now there are three of this Committee present, making a quorum, and we make this recommendation to the Association.

MR. MONSON: I move that the program as reported by the Committee on Arrangements be accepted as the program for this Convention.

MR. PATTERSON: I second the motion.

Motion carried.

PRESIDENT JONES: Is there any other matter to come up before taking up the regular program? I have not had an opportunity to talk with all the members and would like to postpone the appointment of committees until this afternoon or to-morrow morning, and if there are no objections I will do it. You know how we arrived last night, and that it was a little late when we got in, and we had no time for a conference last night, so we will put it off

until we can confer a little further. If there are no objections that will be done.

The next thing in order, if there is nothing further on this subject at this time, is that we have now with us a temporary Secretary. I ought to say now, I think, on behalf of our permanent Secretary, that the reason he is not with us is that he is entitled to the sympathy of this Association, he and his family. Hon. J. B. Noble of Connecticut, who has been one of our most faithful and hard-working members, who has done all we asked of him and even more as Secretary and as member of this Association, is detained at home by sickness in his family. He thought up until just a short time before this meeting that he could be with us, and we had assurances of that kind. But his wife being sick, he could not be with us at this time, and that is the reason for his not being present here at this time. That being true, Mr. Allen, as you know, has been elected as Secretary pro tem, to act in Mr. Noble's place.

I presume the first thing in order will be roll call of the states by the Secretary. Let some one, the Commissioner or whoever has authority to represent the state, respond by giving the names of those present. I presume it will be well enough to give the name of the Commission in full—that is, whether it is a Commission or whatever name it bears. I do this so that in printing our next Annual Report we may have it correct. If it is thought better not to take up the time now we can postpone that for the present, as we are crowded somewhat for time. If not, that will be done.

The Secretary will please call the roll and you can answer it, and afterward I suggest that you write out the technical name of each Commission, the name which it bears in law. Some are called "Chief Inspector," some "Commissioner," etc. Please give the name, whatever it is, so that in making up the next Annual Report we can get it correct.

The Secretary then called the roll of states, and the following delegates were found to be present:

California—Wm. H. Saylor, Assistant Secretary and State Chemist, the State Dairy Bureau.

Colorado—T. L. Monson, Dairy Commissioner; Dr. William Mitchell, Chemist.

Illinois—Hon. A. H. Jones, Food Commissioner; Hon. R. M. Patterson, Assistant Food Commissioner; Dr. E. N. Eaton, State Analyst.

Iowa—Hon. H. R. Wright, Dairy Commissioner.

Kentucky—R. M. Allen, Secretary Food

Commission; J. O. LaBach, Chemist Food Commission; Col. R. C. Stoll, Attorney.

Michigan—Hon. W. B. Snow, Dairy and Food Commissioner; R. E. Doolittle, State Analyst; E. O. Grosvenor, Ex-Commissioner.

Minnesota—Hon. Wm. P. McConnell, Dairy and Food Commissioner.

North Dakota—Hon. E. E. Kaufmann, Assistant Dairy and Food Commissioner; Prof. S. S. Ladd, State Chemist.

Nebraska—J. M. Nelson, State Chemist.

Ohio—Hon. Joseph E. Blackburn, Dairy and Food Commissioner; Hon. Scott Bonham, Attorney.

Oregon—Hon. J. W. Bailey, Commissioner; F. G. Cutlip, Deputy Commissioner; Prof. A. L. Knisley, State Chemist; Prof. Charles Withycombe, Miss Edyth Tazer Wethered, Portland; Hon. R. Scott, Portland.

Pennsylvania—Hon. John Hamilton, Commissioner Agriculture; Hon. Jesse K. Cope, Dairy and Food Commissioner.

South Dakota—Hon. C. P. Sherwood, Dairy and Food Commissioner; Hon. J. H. Shepard, State Chemist.

Utah—Hon. Moroni Heiner, Dairy and Food Commissioner; Mr. Herman Harms, Chemist.

Washington—Hon. E. E. McDonald, Food Commissioner; Prof. E. Fulmer, State Chemist.

Association of Manufacturers and Distributors of Food Products represented by L. M. Frailey, First Vice-President, of Camden, New Jersey.

MR. HAMILTON: Mr. Chairman, might I inquire whether it will be possible for each Dairy and Food Commissioner to have a list of those in attendance? It seems to me such a list would be of service.

PRESIDENT JONES: I have suggested that each one of the Commissions that is represented here pass up a corrected list of the members of their Commissions so that we might have it with their official titles.

MR. BAILEY: I had expected to have the first Dairy Commissioner from the State of Oregon here to-day—Mr. W. W. Baker. I do not see him present, but I think he will be here before the session is over.

PRESIDENT JONES: I understand there were some Associations interested in the manufacture of food products that had written here and had been, perhaps officially or semi-officially, invited. If they are here we should like to know it before we start in with our program this morning.

MR. L. M. FRAILEY: Mr. Chairman, I represent the Association of Manufacturers and Distributors of Food Products in America. We

are located—that is, our headquarters are at Camden, New Jersey.

PRESIDENT JONES: Your name?

MR. FRAILEY: L. M. Frailey.

PRESIDENT JONES: Would you care to state to the Association what subject you would like to hear discussed or would like to take part in particularly?

MR. FRAILEY: The subject of labels and preservatives and the National Food Laws, Mr. President.

PRESIDENT JONES: Gentlemen of the Convention, I believe that closes the preliminary part, at least, and as we are somewhat rushed for time, we will dispense with any other matters.

MR. HAMILTON: Mr. Chairman, I move that Mr. Frailey, as the representative of the National Association of Manufacturers and Distributors of Pure Food, be granted the privileges of the floor to participate in the discussions as he may see fit.

Motion seconded by Mr. Bailey and declared carried.

PRESIDENT JONES: The next matter on program is one that I think is of vital importance to every Food Commissioner and to every state organization, as well as to the whole country, and we have selected to handle that question one that we knew would do the subject justice. I have the pleasure to introduce to you the Hon. John Hamilton, who will address you upon this topic—

THE PROPOSED NATIONAL FOOD LAW.

MR. HAMILTON: Gentlemen. Before reading the paper that I have prepared on this subject I wish to make a statement in regard to its title. When the topic was proposed and submitted to me for approval, I suggested a change in the first word—I suggested that the word “a” be substituted for the word “the.” The title as given in the program assumes that there is but one food law, whereas we know there are now several pending, or that were recently pending, in Congress, and others that have been prepared. I wrote the secretary to get his permission to make the substitution, but I presume the copy had gone to the printer before he was able to make the correction, and so it comes to us under the title of “The Proposed National Food Law,” whereas my paper is upon “A Proposed National Food Law.”

I wish further to state, Mr. President, that this subject is of such great importance, that I hope the members who are here, will feel perfectly free to make any criticism that may seem to them wise. No man can claim that he has solved this problem; that he knows what is absolutely best for all of the interests that are involved. A National pure food law takes account of a large part of the commerce of this

great country, and no law can be framed hastily that will meet all of the requirements of the manufacturing, the producing and the consuming public. I have no feeling with regard to this that I have the privilege of presenting. My whole desire is to secure that which is best, is practical and that will be most salutary when it comes to be enforced; and so no personal consideration ought to prevent you from making the freest possible criticism. We want the best no matter where it comes from, and we do not want anything that is defective if we know it, and therefore the united wisdom of this Association, expressed without fear and impartiality, is the valuable feature of our conference. If we are unwilling to give the benefit of our experience and judgment upon these matters that are so important, then our meeting is likely to be a failure. If, however, we are honest with ourselves and honest with the public and give, in the conference that we hold, the best judgment that we possess, then it will be valuable and we will get out of these conferences something that will be of service to all the people of the United States.

SEE PAGES 17, 19, 21, AND 23 OF THIS REPORT FOR THIS BILL.

PRESIDENT JONES: The discussion of this paper will be opened by Mr. Wright, Hon. H. R. Wright, Dairy Commissioner of Iowa.

MR. MONSON: I would like to have Dr. Mitchell from Colorado read a paper on that line before the discussion begins. I think it would be well to hear the paper before the discussion, if there is no objection.

PRESIDENT JONES: It is a little out of the ordinary, as the program is made out. But if there is no objection on the part of the Association, and as the Chairman of the Committee on Program is here, I will let him say what shall be done.

MR. BLACKBURN: Now if we get through in time I would like to hear any other papers, but otherwise I think unless you reconsider that motion concerning the program you had better stick to your line or you will not get through in time. These gentlemen were appointed to discuss this paper and now, while I wish to extend every courtesy to Dr. Mitchell and every one else, I think we had better stick to our text until we get through and proceed with our program and then give up any time we have to any one else.

MR. ALLEN: It could be used in the discussion of the paper later on.

PRESIDENT JONES: I will state to the Convention as well as to the Chairman of the Committee on program, if there is no objection, that Mr. Monson informs me that he was put

on program and Dr. Mitchell has prepared the paper, as he has had more time to prepare it; and in view of that fact I presume he will go right after Mr. Wright. If there is no objection on the part of Mr. Wright, Dr. Mitchell will be called immediately after Mr. Wright of Iowa, or later on.

That being settled, Mr. Wright will proceed to the discussion of the paper.

DISCUSSION ON THE TOPIC—A PROPOSED NATIONAL FOOD LAW.

By Hon. H. R. Wright of Iowa.

Mr. President, Ladies and Gentlemen: I am a little bit diffident about attempting to discuss this question because I consider it the most important subject and paper of the convention. If we expect to do anything I presume this will be the line of action we will be obliged to take. It may be very interesting and instructive for each of us to hear the discussions on these other papers, but we will be able to do something directly particularly along this line of securing national legislation on the food problem. I am a little diffident also about discussing this question as it is a thing I know nothing about, as you will discover, and also because of the very excellent and complete discussion of the matter which appears in the paper which has just been read.

If I am correctly informed, the situation, so far as it affects national legislation we are trying to get, is this:

There are two bills now introduced into Congress, one by Mr. Hepburn of my own state, and one introduced by Mr. Warner of Illinois, and one of these bills has possibly received some sort of limited indorsement from the executive committee of this Association; but if I am correctly informed there has been no direct action taken by this Association for any specific measure, except to endorse the general proposition of having a National Food Commission and a law and officers whose duty it is to take care of it. Hence, the field is open ahead of us, and whatever we do will be likely to have some effect. I think it proper to state at this time, at this stage of the proceedings, that Mr. Hepburn of my state is noted as a fighter, and if he wants be a pure food law if any man can induce be a pure food law if any other man can induce legislators to enact one. Hence the greater necessity for this convention to take some action if we expect to be influential in securing what we want. I do not approve of a good many of the provisions in Mr. Hepburn's bill and I do not think that most of you will, but I suggest that Mr. Hepburn is a fighter and now that he has got the Panama Canal bill off his hands, it is entirely probable that he will push the pure food

bill. There is one part of his bill I cannot subscribe to and that I think will not meet with the approval of this Association and that is that he proposes to establish a bureau of chemistry in the Department of Agriculture whose business it shall be to inspect and analyze samples of foods and drugs and report results of analyses to the district attorneys of the United States of the district in which the foods have been secured. It seems to me that is a wrong plan.

I heartily approve of the suggestion in Mr. Hamilton's paper that there be a food commissioner who has charge of this work, under the direction of the Department of Agriculture, a man who is responsible for the prosecution of the same and to whom we may look if the work languishes so that the power and responsibility of the work may be centralized. You all know that the wheels within wheels that some of us are subject to, in our various states, are such that we cannot do the work we ought to do or we cannot do it promptly.

Now, Mr. Hamilton stated in his paper that the object of a pure food law is for the establishment of a Food Bureau in the Department of Agriculture, and for preventing the adulteration and misbranding of foods in the District of Columbia and the territories, and for regulating interstate commerce therein, and for other purposes. Now, the means to that end is necessarily the conviction of the guilty party. We may analyze foods from now until the millennium, and publish the results of them, and that will not protect the consumer unless the man who sells the impure or misbranded foods is convicted and made to pay the penalty.

Now, if we expect to accomplish anything we must have not a bureau that has charge of this work with divided responsibilities, and that is little interested in that work other than the securing of samples; but we must have one man who is responsible for the work and who is paid for doing it a man of affairs, as Mr. Hamilton suggests, who will devote his time and energy to the successful prosecution of the work and not only analyzing certain food products for his own information and perhaps drawing his salary. Therefore, I say that this provision of Mr. Hepburn's bill is one that ought to be eliminated. In the bill which we hope to get formulated it occurs to me that it will be wise, whether it is satisfactory or not, to leave out everything except the foods, drinks and condiments for human consumption. Of course all of you have had experience in attempting to get legislation in the various states, and you know very well that the more you include in a law the greater opposition there is to it, and the greater number of people there are interested in preventing it from becoming a law. Now, if we include any certain

food we will be likely to raise the opposition of those interested in that particular kind of food, and if we include drugs we will also antagonize that class of people; if we include cattle foods, we will raise the opposition of a large class of influential people and we will by so much increase the opposition they will raise to the successful passage of the bill that we want to get, and therefore it will be wise, in my estimation, to confine the scope of the proposed bill as definitely as possible to human foods and drinks instead of making it wider.

And then that question of standards, I notice in Mr. Hepburn's and also in Mr. Warner's bill that they propose to have the Association of Agricultural Chemists set the standards. Now, I do not know much about this society of Agricultural Chemists, but it occurs to me that this is an association meeting only at long intervals like our own and it seems to me if the Food Commissions are dependent upon that society or association for the establishment of standards, we will be compelled, in a large measure, to await their pleasure. On the other hand, if he has his board of experts who are in his office, appointed for the purpose, and paid to spend their time and brains in this work of establishing standards and in looking up the matters thoroughly he will be able to act more quickly and be able to prosecute the work of his office more satisfactorily because of that celerity of action. It occurs to me that the proposition to allow an extraneous board to establish these standards upon which the Food Commissions shall operate ought not to be included, and the suggestion of Mr. Hamilton that there be a board of experts appointed in connection with this work seems to me to be the solution of that question.

Now, gentlemen, the power of the food commissioner ought to be centralized, the responsibility as well as the power ought to be centralized as much as possible. Then after having secured a national food law, and having secured standards as established by that department, it will of course be necessary and desirable to revise the state laws in order to conform with the standards and manner of procedure adopted by the National department. It occurs to me that the work of the food commissioners of the different states is a little like a shot-gun—scatters too much. They do not shoot in the same direction. If we are able to get a National department then there will be one standard for the whole country. The first thing we ought to do would be to make our standards conform to that and there will then be no difference between the rulings of any one state and any other, because they will conform with the rulings of the United States department. And I believe that the work of the individual food commissioners, dairy and

food commissioners, will be greatly benefited in that way, if in no other.

Of course the National law will get after a lot of people we cannot touch because of the Interstate Commerce question, and it seems to me, as I stated before, that the important thing for this convention to do is to agree upon some form of bill and then endorse the passage of that bill in the United States Congress to the extent of our ability.

PRESIDENT JONES: We will next hear from Hon. T. L. Monson, Dairy and Food Commissioner of Colorado, on this question—the discussion of Mr. Hamilton's paper.

Mr. Monson: Mr. Chairman and Gentlemen of the Convention: In our state we have no food department in connection with my duties. The State Dairy Commission is an office to itself and therefore as far as the office is concerned I have had nothing to do with pure food outside of the dairy products.

I think it would be well to consider this legislation very carefully. I think that this body should not act with haste in recommending National pure food laws. The people of this country are to-day looking to this convention for relief from the evils that have been perpetrated upon them by the adulteration of foods. In my state, and in a good many others, they take no interest in one food product, while in other states that is about the only product that they do take an interest in. In some states the dairy products are the main industry and they care for nothing else; in other states they have the manufacturing of foods and the canning and preserving of food products. When the oleomargarine or Grout bill was before Congress I signed a good many petitions with names by the hundreds to our congressman two years ago, and the result was that our representatives from our state, in the lower house, voted for the bill. Before it got to the Senate that year Congress adjourned. This last session when the bill came up, our representatives, having these petitions, and knowing that the farmers and dairymen were interested in that bill, voted for it. In the meantime, before it got to the Senate, the cattle men of our state, of whom there are a great many, held their cattle conventions and in every one I think but one, they protested and memorialized our Senators to vote against that bill. I stood in a little peculiar position because of the cattle interests predominating in our state where the dairy interest is a secondary consideration. They thought I was not working in the interest of the people of Colorado when I advocated the passage of that bill. So you will see that the people, if they will take hold of it, can accomplish a great deal. If we have a senator or a congressman and there is a question comes up for considera-

tion, and the people keep quiet and say nothing to them, send no petitions and do not advise with them, some unscrupulous corporation that is interested in that bill goes to them saying that they are representing the interests of their state, and what is the result?

I think in drafting a bill that is of as much importance as this is to the people of the United States, and also to foreign countries, that a committee should be appointed. I believe this is the first step towards Congress taking up this matter; this very convention here to-day, and I believe that a committee appointed from this Association which is the head of this pure food movement, that a committee should be appointed to recommend a bill for passage. And the other states that are not represented here will take it up and I believe that we can accomplish something that will be of benefit to the whole people.

As I have prepared no paper on this subject and did not expect to participate very much in the discussion, as I did not expect to attend, Dr. Mitchell of our state will read a paper on pure food, and I hope you will get something out of it. There will be some suggestions that will interest you and be of profit to this convention. I thank you.

PRESIDENT JONES: Dr. Mitchell is with us, and if there is no objection we will hear from him now.

I have the honor of introducing to you Dr. William C. Mitchell, at the head of the Inspection Department in Colorado, who will read a paper on this subject, as I understand it.

DR. MITCHELL: Although we have laws which are intended to govern the pure food question, yet we have no appropriation for chemical work, and it is along this line that I desire to say a few words.

NATIONAL LEGISLATION FOR PURE FOODS.

BY WM. C. MITCHELL, M. D., COLORADO STATE BOARD HEALTH.

In the business affairs of the commercial world competition is commonly regarded as the life of trade. This is true of an honest competition, a contest in which on both sides alertness and energy are ruled by brains and guided by integrity, but it had no application whatever to the unequal strife in which an honest and unadulterated merchandise is made to compete with dishonest and sophisticated material. The reprehensible methods of the merchant dealing in adulterated goods are usually so successful that the outdistanced competitor, seeing his sails curtailed and his profits lessened, is forced to the cheerful alternative of either likewise adopting dishonest tactics or of closing out his business. Such a system cannot be called competition; it is anarchy in

business, commercial riot, a system filled with the elements of its own destruction and one which calls for the powerful governing hand of the law to lead it back to the legitimate paths of prosperity and business.

As interesting as would be a consideration of the ordinary "tricks of the trade" by which the various household and personal equipments of our modern life are so manipulated and manufactured as in many cases to represent but excellent imitations of genuine originals, yet of vastly more importance to our individual as well as our national welfare is an awakening to the patent facts of the great breadth of the adulteration of our food-stuffs.

That such adulterations are largely practiced has been proven by the praiseworthy and painstaking investigations of the Department of Agriculture. These researches, as well as those of several of the individual states, have shown that a considerable proportion of the food and drink which we consume in health and the drugs which are administered to us in sickness are sophisticated in one way or another. The investigation and exposition of these lamentable facts has made much capital for foreign manufacturers and merchants in their competition with American products. In some instances unprincipled merchants have flooded the European markets with adulterated goods which naturally could be sold at prices with which the genuine home article could not compete. These goods "from the States" held the field for a time, but when the deception was discovered a reaction often set in which was comprehensive enough to exclude not only the adulterated goods, but our honest products as well.

In our own country we are more largely at the mercy of commercial misrepresentation than in most countries, as with a few exceptions we have as yet no federal law controlling adulterations or compelling the proper branding of manufactured products. A state law in this regard is no safeguard beyond its own border, for what is manufactured in one state and properly branded may be sold in another state with impunity not branded at all. If one desires to use cottonseed oil on his salad there is no law or reason why he should not do so, but let the label plainly indicate to the consumer that cottonseed oil and not olive oil has been purchased.

The adulterants which enter into the sophistication of foods may be divided into two groups. In the first of these are placed those which are harmless to the animal economy, the fraudulent adulterants, while in the second class belong such substances as are either injurious or positively poisonous. It is fortunate for man's stomach that the first of these divisions is by far the larger, else this much-abused organ had still greater grievances.

The vast amount of accumulated evidence bearing on this subject leaves little doubt as to the practical universality of adulterations of one kind or another, and the reasons for this prevalence are not far to seek, apart from the natural covetousness of both the buyer and the seller. The fact that above all others has been the chief factor in promoting this widespread evil is that it is so often possible to add harmless but foreign ingredients to foodstuffs so as to unjustly increase their bulk or weight. From the very facts of the case, if poisonous adulterations formed other than a modicum of the entire list, this perverse practice had long ago brought about its own destruction.

While at first sight it does not seem so grave a misdemeanor to lessen the cost of pepper by a skillful admixture of buckwheat, or of mustard by compounding it with ground cakes, or of honey by blending it with glucose, or of flour by mixing it with cornmeal, all harmless substances, yet we shall see that these and other fraudulent practices of like nature have a most important financial interest to the swindled purchaser.

Fortunately for us, wheat is our great staple, and is so cheap that this debasement of flour is rarely attempted, and in addition we have a federal law which has reduced this practice to a minimum. The criminal adulteration of flour with chalk, soapstone and terra alba, which, in spite of laws and rigid inspection, has a limited prevalence in certain districts of Europe, is unknown here. A commodity compounded in this manner could only be sold to the poorest and most ignorant classes and it, indeed, may be said that they have asked for bread and received a stone.

From the very nature of adulterations it is an extremely difficult task to ascertain the exact extent to which the normal foodstuffs suffer from substitutions. The manipulator of these debasements works in the dark. He is evasive. When he is discovered and suppressed for a time in a certain locality he leaves for a new territory, often to reappear surreptitiously in his old fields. If the introduction of laws and the establishment of laboratories make his vocation difficult and his products more easily detected, nothing discouraged, he is constantly casting about him for new and artistic means of compounding. If science is used in unearthing his frauds, with equal skillfulness he impresses the learned goddess into the perfecting of his own nefarious products.

Mr. F. N. Barrett, editor of the *American Grocer*, whose thoroughness of observation and whose knowledge of food products of our country entitles his opinion to great weight, takes a very optimistic view of the matter. In a communication to the writer (November, 1899) he states that he is inclined to believe that not one per cent of the

entire food product of our nation is adulterated. Mr. Barrett considers that \$7,500,000,000 represents the annual expenditure of the United States for food. At the extremely low amount of one per cent the amount paid for fraudulent goods would be \$75,000,000 per annum. Dr. S. W. Abbott, secretary of the State Board of Health of Massachusetts, in a reply to the writer, says: "Think for a moment of the food products which enter your own house every year; barrels of flour and sugar, quantities of meat, vegetables and fruit, and these articles constitute nine-tenths of your family food supply; probably not one pound of any of them is ever adulterated. On the other hand, the milk, butter, spices, coffee, syrup, etc., constituting the other tenth, depend for their quality on the honesty of your milk man or your grocer, or on that of the producer or wholesaler from whom he buys them." Dr. Abbott's belief is that not more than one-tenth of the general food supply is adulterated. At the above-mentioned monetary value of consumed foods, this would represent \$750,000,000 per annum paid by our citizens for fraudulent and debased foods. Mr. A. J. Wedderburn, who was appointed as a special agent for the Department of Agriculture to investigate into the extent and character of food adulterations, in a report made in 1894, arrived at the conclusion that "These sophistications can be truthfully said to be as broad as the continent." He considers the extent of adulterations to be not less than 15 per cent. If Mr. Wedderburn, from whom the writer has copied this method of expressing results, still adheres to his former percentage, with the present valuation of the food supply we have the stupendous amount of \$1,125,000,000 annually lost to the purchaser by fraudulent substitution. Of course, this has not all been absolute gain to the dishonest manipulator, except in the case of where water is added to milk, as the articles which he uses in compounding have some commercial value, although as a rule this is slight as compared with the value of the amount of the genuine article which they supplant. In a recent interview in the public press Dr. W. H. Wiley places the amount of adulteration at five per cent. Whether one takes the lowest or the highest of these estimates, they indicate a condition of affairs of sufficient gravity to warrant the earnest and comprehensive investigation of our lawmakers. The question is, How may we best obtain pure foods—how may this best be accomplished? By municipal, state or national legislation and inspection. While municipal and state legislation and inspection may suffice for the individual, municipalities and states, yet as these laws are inoperative beyond the boundaries of the individual states, relief may only be had through federal aid.

No better illustration can be had of this phase

of the subject than one which occurred in a recent annual report of the state of Massachusetts. In speaking of the prosecution of certain offenders the report states: "Several wholesale dealers were found to be selling a brand of ground mace which on examination was found to consist largely of wild mace (*Myristica fatua*), and in some instances with a considerable mixture of starch. The wholesale dealers furnishing this mixture were outside of the state and complaints could not be made against them."

Several bills have been introduced at various times in Congress to prevent the adulteration and misbranding of foods and beverages in the District of Columbia and the various territories to regulate interstate traffic in the same, but with the single exception of a national law which taxes mixed flours and compels the proper branding of the same, this, I believe, is all that has been accomplished.

Some criticism has been raised against the national control of "pure foods," and the following editorial is taken from a leading Western newspaper, which may be regarded as a fair sample of the criticisms:

"A DANGEROUS PROPOSITION.

"A dangerous tendency of the times toward a centralization of power in the hands of the government is exhibited with startling force in one of the provisions of the Hepburn 'pure food' bill, now pending in the House of Representatives. This bill, should it become a law as it is now drawn, would to all intents and purposes make the chief chemist of the Department of Agriculture the sole judge of what may be manufactured and sold as foods and drugs in this country—a power more absolute and quite as far-reaching as any ever enjoyed by the most absolute of monarchs and one which would raise visions of opportunities for 'grafting' so stupendous as fairly to stagger the imagination of even the most ambitious of 'political bosses.'

"As an illustration of this fact, it may be pointed out that the chief chemist, under the provision of this bill, is given the appointment of more subordinates than is the president, and his power over the commission is thus assured. Moreover, the bill gives to the chief chemist the sole power to fix standards of purity for the manufacture of all foods and drugs, and those interested in the production of several billion dollars' worth annually in such lines must secure his approval of their formulas or be forced out of business. Of course, everybody wants pure foods and pure drugs, and every legitimate safeguard thrown about their manufacture will be heartily approved by the people generally. At the same time, it is extremely doubtful that they are prepared to delegate to one man the authority to arbitrarily decide what is and what is not a pure article.

With a corrupt man at the head of the commission the results would be the extreme reverse of satisfactory, while money and influence would enable unscrupulous manufacturers to foist upon the public as 'pure' those very adulterations which the bill is intended to protect them from. For these reasons it looks very much as though the Hepburn bill would require radical amendment before it should receive favorable consideration at the hands of our national lawmakers."

It is needless to say that the writer does not agree with the sentiments therein expressed, but it is merely quoted as another view of the situation.

It seems to the writer that a fair solution of the question of national legislation of pure foods might best be accomplished by co-operation between federal and state officials. For example, if the national government would agree to appropriate to each state in the Union a certain sum of money annually for analytic and scientific investigation of food products, provided a like sum would be furnished by each individual state—say \$10,000 from the national government and \$10,000 from the state—this gift of the national government would be most likely to appeal to the legislators of the individual states. The combined funds to be used in a common laboratory within the given state where the analyses of the various products could be made.

It would also seem advisable that this laboratory should be under the joint supervision of the chief chemist of the Agricultural Department and of the State Board of Health of the given state, and that not only the regulation of food products, but also of the dairy products, should be under the conjoint control.

The fact that a certain sum would be appropriated to each state by the national government would facilitate the passage of such a bill through both houses of Congress.

Prosecutions could be made by the United States district attorney or by the state district attorney, according to the nature of the case, the former acting on the interstate phase of the question and the latter on the violations occurring within the state boundaries.

This co-operation of state and national funds would tend to create laboratories where none now exist, and would render more stable those already in existence. It would also tend to eliminate the influence of politics, so that there would be a stability of the scientific positions which would attract men of marked ability to these positions.

The one difficult matter in the question of pure foods and beverages seems to be the lack of funds for systematic examination of these articles. Many states have no provisions at all for such examinations. Now, if the national government donates a certain sum to each individual state,

provided a like amount is given by the state, in my opinion it would act as such a stimulus to legislation on this subject as to be of the greatest possible benefit.

In presenting this suggestion to this honorable body, because of lack of legal knowledge, the writer begs to apologize for presenting anything bearing on legislation, but the above is merely offered along suggestive lines.

PRESIDENT JONES: Now is there any other discussion—any one else who wishes to say anything on this question of Mr. Hamilton's paper before we pass to the next? Is Mr. Frailey in? Would you like, Mr. Frailey, to talk upon the question now, or would you prefer to wait until we get further along?

MR. FRAILEY: I have just a few comments to make in reference to the bill Mr. Hamilton read.

PRESIDENT JONES: I think most of the Commissioners here (and I have heard a great many so express themselves) would like to hear how this impresses the manufacturers—this matter of the bill.

Mr. Frailey: Mr. Chairman and Gentlemen of the Convention: In reference to this National Pure Food bill read by Mr. Hamilton, following it as he read it, I am hardly prepared to criticize it very closely, but there are some few propositions in it that strike me in a decidedly favorable manner. One of these is particularly the point where instead of having a chief chemist of the Bureau of Agriculture decided on the standards it provides for the appointment of a commission. I notice that one member of this commission is awarded to the trade's interests. One thing I wish to inquire about is upon what basis this trades' representative is to be appointed. Have the trades any influence in the selection of this particular representative? That would largely of course be a question I presume with the department, as to whether they called upon the manufacturing interests in regard to whom or what character of person would constitute an expert from the manufacturer's view point.

The general provisions of that bill that Mr. Hamilton has read would, I am satisfied, meet with the approval of the association which I represent. If it were possible I would like more closely to scrutinize the bill before expressing a decided opinion on some of its other features.

I want to say in behalf of the Association of Manufacturers and Distributors of Food Products, which Association I represent here, that we are thoroughly and heartily in favor of the enactment of national legislation on the subject of pure food. I do not know whether you gentlemen as a body believe that the manufacturers as a body are opposed to state and national legislation in regard to pure food. If this is the

case I wish to correct that impression. We are in favor of any law, either national or state, which is equitable or just in its provisions and which is so handled by the authorities that administered as to bring no direct hardship upon the interests involved.

I requested permission, when I was extended the courtesy of entering into these discussions, to enter the discussion on the subject of preservatives and upon labeling them. I do not think it is pertinent in reference to this discussion to make my comments on these two points at this time. I prefer to make them when these subjects come up.

I will say that it may be possible that my Association, with a more thorough understanding of this bill that Mr. Hamilton has proposed, and with some few suggestions, would be prepared to endorse it. In general, we are prepared to endorse any national food bill which is just and equitable. At our quarterly meeting held in Cincinnati on the 22d of April, we endorsed the Hepburn bill and the Hansboro bill, not because we thought them perfect, but because we thought any national legislation better than none, and that any mistakes could be corrected and taken care of when the opportunity and occasion should offer.

I thank you very much for your permission.

PRESIDENT JONES: You will pardon me for pushing this matter along. Is there any other person who wishes to discuss Mr. Hamilton's address?

Mr. Grosvenor: Would not a word be in line concerning the condition of national legislation now in Washington? Perhaps some do not understand it as it has been presented. As a matter of fact, Mr. President, this Hepburn bill which was reported in the House and which was referred to the committee on Interstate and Foreign Commerce, and the Hansboro bill (a very radically different bill) have been reported and are upon the Senate calendar. They were originally the same bill introduced, both Mr. Hepburn and Mr. Hansboro say, at the request of the National Department of Agriculture. But the Hepburn bill has been changed so as to make a very different bill indeed, and the two bills are upon their respective calendars. The bill which this Association formally endorsed and had introduced and which went not to the Department of Commerce but to the Department of Agriculture, has never had a meeting called for it and has never been discussed. As I look over the gentlemen present here to-day I remember there is not one except Mr. Frailey and myself who was present in Washington and heard these discussions on it. The National Association of Dairy and Food Departments was represented to be in harmony and to have endorsed the Hep-

burn bill. I took the ground in the discussion down there Mr. President, that that was not true and that this Association had never endorsed the Hepburn bill. It was then shown that they had endorsed the old Brosius bill; but that was also changed.

The point I wish to make is this, Mr. President, something must be done, in my judgment, something to make its endorsement clear on the subject of national legislation and the Association should not be represented as endorsing a bill which, in my judgment, half of them have never read and which, in my judgment, has never been passed upon by this Association. It was represented, by the way, that the State of Pennsylvania was a unit for the passage of the Hepburn bill, and yet the Secretary of Agriculture of this state comes up to-day and reads what I consider a much better bill for a national bill and one entirely out of harmony with the Hepburn bill. This just goes to show, Mr. President, that it is time something should be done by this Association that they may know where we are, and when something comes up next winter (because there is no chance of the passage of a bill this session) let us have a committee—and let that committee be appointed to-day—to appear and state what the views of this Association are and not let them be misstated by others and by those who have no interest in it.

Now, Mr. Chairman, I have just one objection to make to the gentleman's bill and that is an objection that has come to me from quite an extended study of the question, and that is an objection to the question of standards as he puts it. I think that question of standards, by the way, was the only one cut out of the Hepburn bill as originally introduced. This committee of twelve provided for in the Hepburn bill had a right to make standards and no man could introduce a word of evidence in a court of justice in this country to refute those standards. There were eleven lawyers who took this bill and studied it and they saw the injustice of it and cut it out of the bill so that the Hepburn bill to-day does not establish and make *prima facie* evidence of any standards. That is virtually passing an act to give to a set of men a right to pass a thousand other acts; because how are you going to refute them. That was all harped over this last winter in Washington and everybody agreed that that was a most dangerous provision, to allow any set of men to make standards which there is no power to refute. You might better pass a bill for the appointment of a commissioner giving him authority to do as he sees fit about regulating the sale of foods. That is what it virtually amounts to—this passage of a bill giving to one man authority to pass any law he may see fit.

I am with the gentleman on the question of standards when it comes to specific articles, and if I can make myself clear here in the next few minutes as to my understanding of the difference between a standard for a specific article and a standard for a mixed article I shall think my trip across the country has been well repaid. To the average man when you say to him: "John Jones & Co. make two grades of goods; they make a specific pepper, that is they make ground pepper and they make a jelly," one is a specific article and the other is a compound. And to the average man if you should say to him, "John Jones is mixing this and that article to make a jelly" would say it it was an adulteration. Now, Mr. Chairman, by a specific article I mean an article which nature has given us, and it is so treated as not to change its substance in any way. Now, Mr. Chairman, we take a pepper and we grind it up. We take the whole thing, and we have there as good a definition of a specific article as we could have I say. There should be nothing added to it if you are going to sell it as pure pepper. If you are going to establish a standard for pepper that standard can only be a laboratory standard, a standard to guide the chemist in determining whether the pepper is pure or not. Let your standard say a pepper shall have so much of this and so much of that or it will not be sure; just as your milk laws say milk shall contain so much fat and so much total solids.

Now, when you come to make a jelly (I say jelly because it is the best illustration) I say no set of men should be allowed to say what I shall make jelly of, because I say jelly is a compound of fruit and any sweetening and preserving product. Our grandmothers made it with currant juice and sugar but our grandmothers did a good many things our wives and mothers do not do, and they did things in a different way from what their grandmother did then. To-day the rules governing commercial trade are such that the manufacture and placing of food products upon the market is a very different proposition from what it was when our grandmothers made jelly, and it has come to a point where the trade demands a low priced jelly—a jelly in which sugar is too expensive an article to preserve with, and that is the use of the sweetening product in jelly—to preserve the food product; and manufacturers have turned to glucose and glucose is to-day used in all the lower priced jellies in the place of cane sugar. Our scientists tell us that this same glucose is a more healthful product to put into a glass of jelly and a more easily digested article than cane sugar. Then why should the manufacturer not be allowed to use it? Now, to make a standard for jelly and say it shall contain only pure fruit juice and cane sugar,

in my judgment, is wrong, as I think it wrong to make a standard for any mixed article. I believe the label should state just what a mixed article contains, but they should not be allowed to build standards for mixed articles because commercial conditions demand something that the average scientific man does not perhaps understand. If a man sells a mixed article, let him label it to show just what it is. For specific articles, build all the standards you can.

MR. HAMILTON: Before the discussion goes any further, if you will permit me, I will say that this bill provides precisely for what Mr. Grosvenor has expressed. No standards are provided for compound or mixed articles, but the compounder is required to place upon the label the name of the articles of which it is compounded. I will just read the provisions:

"Articles of food which shall be labeled, branded or tagged as prescribed by the food commissioner showing their exact character and which do not contain any poisonous added ingredient or ingredient injurious to health shall not be deemed to be adulterated in the following cases:

"First—In the case of mixtures or compounds sold under their own distinct names, or under coined names which may now or from time to time hereafter be known as healthful articles of food and which are not an imitation of or sold under the name of any other article."

It seems to me that covers the point which you made, Mr. Grosvenor.

MR. GROSVENOR: Will the gentleman kindly read the provision for standards? Those are the exceptions to your subdivisions.

MR. HAMILTON: Yes I will read:

"The term 'misbranded,' as used herein, shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement regarding the ingredients or substances contained in such article, which statement shall be false or misleading in any particular; or any statement purporting to name the substances of which said article is made, which statement shall not fully give the names of all the substances contained in measurable quantities in such article, or which shall be false as to the state, territory or country in which the article is manufactured or produced." And now here are the adulterations:

"For the purposes of this act an article shall be deemed adulterated in the case of food or drink:

"First—If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength, so that such product when

offered for sale shall deceive or tend to deceive the purchaser.

"Second—If any substance or substances has or have been substituted, wholly or in part, for the article so that the product when sold shall deceive or tend to deceive the purchaser.

"Third—If any valuable constituent of the article has been wholly or in part abstracted, so that the product when sold shall deceive or tend to deceive the purchaser.

"Fourth—If it be an imitation of or sold under the specific name of any other article.

"Fifth—If it be mixed, colored, coated, powdered, polished or stained in a manner whereby damage or inferiority is concealed, so that such product when sold shall deceive or tend to deceive the purchaser.

"Sixth—If it contain any added poisonous ingredient which may render such article injurious to the health of the person consuming it.

"Seventh—If it be labeled or branded so as to deceive or mislead the purchaser.

"Eighth—If it consist of the whole or part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or of an animal that has died otherwise than by slaughter."

Then comes the provision that I have read—

"Provided, that articles of food which shall be labeled, branded or tagged as prescribed by the food commissioner, showing their exact character and which do not contain any poisonous added ingredient or ingredient injurious to health shall not be deemed to be adulterated in the following cases:

"First—In the case of mixtures or compounds sold under their own distinct names or under coined names which may now or from time to time hereafter be known as healthful articles of food and which are not an imitation of or sold under the name of any other article."

This is the only requirement—that they shall be branded for what they are, and that brand is simply a statement of what they contain; but they must not contain any article which is poisonous or injurious to health, and they must not be an imitation of or sold under the name of another article. I think that meets your statement.

MR. GROSVENOR: Will you please read your section on the establishing of standards by a committee of five—giving the power to that committee to establish a standard.

MR. HAMILTON: Mr. Chairman, I do not wish to continue this discussion if there is any better way of doing it.

PRESIDENT JONES: I feel that unless there is some particular objection to it that the members of the Convention feel that this is the most important thing we have to discuss, and I think Mr. Grosvenor is in the right line and I am glad the representative of the manufacturers is here so we can get the matter before the people. So, if Mr. Hamilton has no objection, he can continue in his explanation to Mr. Grosvenor.

MR. HAMILTON: It is the seventh section—"That the food commissioner— No, it is the eighth section—

"That it shall be the duty of the Secretary of Agriculture to fix standards of food products and to determine the wholesomeness or unwholesomeness of preservatives or other substances which are or may be added to foods. To aid him in reaching just decisions in such matters he is authorized to appoint, for a period of four years, one physician, one food analyst, one physiologist and pharmacologist, one medical officer of health and one representative of food manufacturers and producers, at a salary of three thousand dollars per annum each, to be known as the Committee on Food Standards, each of whom shall be an expert and a recognized authority upon the subject embraced by his profession. The Committee on Food Standards shall consider jointly standards for food and food products and recommend the character of the label which it shall be lawful to use upon each article of food or food product. The standard of each article of food or food product agreed upon and recommended by said Committee, and approved by the Secretary of Agriculture, shall be the standard to which all articles of food or food products manufactured for sale, offered for sale, exposed for sale, sold or exchanged shall conform. It shall be the duty of the Secretary of Agriculture to publish from time to time the decisions of said Committee for the information of the public, and said decisions when duly approved and certified by the Secretary of Agriculture shall be admitted as prima facie evidence in the United States courts."

MR. GROSVENOR: That is all you have on standards?

MR. HAMILTON: Yes, on standards. But the manufacturers must state what the articles are that compose these compounds.

MR. GROSVENOR: Mr. President, I undertook—and I understood the gentleman to be replying to that—I undertook to say that power should not be given to any committee to establish standards for what are known as mixed articles. These articles into which two or more substances enter to complete the article—that is jellies.

MR. HAMILTON: I wish to say, Mr. President, that in that I entirely concur with Mr. Grosvenor.

MR. GROSVENOR: I really believe that here is the best framed bill that has ever been presented to this Association or to Congress as a National Food Bill. Section eight reads, "It shall be the duty of the Secretary of Agriculture to fix standards of food products, and to determine the wholesomeness or unwholesomeness of preservatives or other substances which are or may be added to foods." Now how does he do it? "To aid him in reaching just decisions in such matters he is authorized to appoint for a period of four years"—Now here is the committee he is authorized to appoint—"one physician, one food analyst, one physiologist and pharmacologist, one medical officer of health and one representative of food manufacturers and producers, at a salary of \$3,000 per annum each, to be known as the Committee on Food Standards, each of whom shall be an expert and a recognized authority upon the subject embraced by its profession. The Committee on Food Standards shall consider jointly standards for food and food products, and recommend the character of the label which it shall be lawful to use upon each article of food or food product." Does not that include compound foods and food products?

PROF. SHEPARD: That just has reference to the labeling, does it not?

MR. GROSVENOR: The latter part of it does not. I will read, "The standard of each article of food or food product" (Now does that not include compounds?) "agreed upon and recommended by said committee, and approved by the Secretary of Agriculture, shall be the standard to which all articles of food or food products manufactured for sale, offered for sale, exposed for sale, sold or exchanged shall conform."

MR. SHEPARD: It seems to me, Mr. Grosvenor, just as if that word "food products" does not necessarily mean compound food products. It is evident from the way it is worded that it should be modified somewhat.

MR. GROSVENOR: An extract is also a compound product, but a pepper and a mustard and almost any spice on the market is a specific article given to us by nature, in one way; and I undertake to say that the words "food" and "food products" include all food products, whether mixed, simple or compound.

MR. McDONALD: I beg your pardon, Mr. Grosvenor—

PRESIDENT JONES: I wish each speaker would rise and give his name so that we may get his name into the report.

MR. GROSVENOR: Just let me read another sentence: "It shall be the duty of the Secretary of Agriculture to publish, from time to time, the decisions of said committee for the information of the public, and said decisions, when duly approved and certified by the Secretary of Agriculture"—now there is the dangerous part of the thing, Mr. President—"shall be admitted as prima facie evidence in the United States courts." In the first place, the legal authorities composing this committee of which I spoke a while ago included some very eminent authorities, and they all agreed that that was an unconstitutional provision—to make it prima facie evidence. Whether that is true or not, it is a dangerous provision. How are you going to refute it? It is the absolute law of the land made by this committee of five. When you make it prima facie evidence as established by these five men you have absolutely closed the doors, for you cannot dispute the standards laid down by that committee. You cannot go to the jury and say that it is not a reasonable provision. You cannot go into court and make it a judicial question for them to say it is not a reasonable provision, because the Congress of the United States has made prima facie evidence of these standards adopted by this commission.

MR. McDONALD: The question I wished to ask Mr. Grosvenor is this. In defining specific articles he took occasion to say that pepper would be a specific article and jelly would not be a specific article. I do not know whether that could be borne out or not. A pure fruit jelly—a jelly made from apples—would be a specific article, I should think. If it was mixed with only the sugar necessary to make that jelly it might be considered a compound and might not, because the sugar was necessary in making the jelly. But if you put together 90 per cent of glucose and 10 per cent of fruit and call that jelly, or fruit jelly, I think it would be wrong to call that a specific article. I notice that in this country we have been troubled with a so-called jelly from the East. On analysis we find that that jelly contains very little fruit; and I hope in this pure food law to be passed by Congress it will be so definite that there will be standards not only on peppers, but also on jellies. It is just as important in the one as it is in the other, and I think Mr. Grosvenor ought to modify his remark as to straight jellies and preserves.

MR. GROSVENOR: I have no better authority with me than the Century Dictionary (and I have not that with me), which the Supreme courts say is authority in this country. I would just like to bring it over and read a little to you. It states that there are three kinds of mixtures:

First—A mixture of two products to make a third.

Now you cannot make a jelly without sugar. Anything made up of two or more products mixed together to produce a third article is not a specific article; it is a mixture.

Second—Mixtures for adulteration; and

Third—Mixtures which cannot, from the nature of things, be stopped; such as the gathering of foreign adulterations or foreign products, in gathering the product itself, as, for instance, pepper, with which a certain amount of sand is sometimes gathered.

So the Century Dictionary lays down these three definitions, and I will freely admit to the gentleman that jelly in which glucose has been substituted, partly or in whole, for sugar is a compound article, in the sense in which we use that term in discussing food laws; but not in the strict sense of the word. In the sense in which I wish to draw the line a specific article can be but one thing, and that is *the* thing.

MR. McDONALD: The point I wish to make is this: I am afraid there would be a great deal of litigation if what Mr. Grosvenor says would be adopted. It should be the object of a pure food law to clearly define these things and to have it so clear that there would be the least possible litigation on that point. Therefore, I am in favor of this committee of five and a definite standard laid down by them. I do not believe that they would lay down any unreasonable standard, for there would be no occasion whatever for them to do that.

In our state—in the State of Washington—we find we are bothered a good deal by this jelly question. I feel that just as keenly as any one else. But we do not wish any legislation which would hamper our fruit industry, because we called glucose jelly to be palmed off on the Pacific coast for fruit jelly. That is the point I wished to bring out.

MR. GROSVENOR: I see I am in bad shape in the record and I want to straighten it out. I want this committee to establish standards, but not to make them absolute. They should not be given the power to make standards which no jury can refute. I want them to say that the standard for pure jelly shall be so and so, and then allow a cheaper jelly if they label it, as our Secretary of Agriculture says. What I am against is the establishing of any arbitrary standards which cannot be changed.

MR. HAMILTON: This whole question seems to hinge upon what constitutes prima facie evidence. I am not a lawyer in the strict sense, but my understanding of the term prima facie evidence is just what it says. It is evidence on its face. It is not conclusive evidence and

does not shut out refutation. It does not prevent the defense from saying that this evidence which has been presented is incorrect; it leaves it just as open as it was before, excepting that you do not have to prove every time that this standard is correct. They send in their declaration sworn—the declaration of the chemists—to the Secretary of the Board of Agriculture, and that shall be *prima facie* evidence in a court. It simply prevents the necessity of bringing the Secretary of the Board of Agriculture and the National Dairy and Food Commissioner into court each time in order to prove their case; for their sworn declaration as it comes in each time shall be accepted on its face as *prima facie* evidence. If, however, it shall be shown there is a mistake it does not prevent the overturning of the evidence.

The Dairy and Food Commissioner and myself, in our state, under our law, are authorized to attest by our signatures to certain facts in regard to whether or not certain parties have been licensed to sell oleomargarine, and this is accepted as *prima facie* evidence in the court. The original documents do not have to be present in court. Our statement, under our attestation, is accepted. That is in conformity with the law. I would be very much opposed to having any decision come down from this committee that should be absolute and that would shut out the defense, for this, in my judgment, is reprehensible in the highest degree; and if this provision does that I am in favor of modifying it in some way so that every one shall have a defense. It was placed there in order to prevent having to bring all these officials into court in every case to certify to certain facts, and to make it sufficient that they state it under oath, attested by the Secretary to show that it is genuine, and to show that the parties are employees. But to allow the standards, fixed by this commission to go in as *prima facie* evidence seems to me to be best. If a committee is appointed here to take up this matter, I think the bill should be gone over very thoroughly, to see that the parties prosecuted always have the right of redress, and that no statement shall go in which will shut out the party accused from making his defense.

MR. FRAILEY: I would like to ask, in fixing the standard for compound jellies, upon what basis could a standard be fixed. There are various grades of jelly made, the constituent parts of which vary in the different grades. Some are made with 60 per cent glucose, 40 per cent fruit juice; some again are made with 10 per cent fruit juice and 90 per cent glucose; and there are still others made from 40 per cent glucose, 10 per cent sugar and 50 per cent apple juice. Why would it not be possible to have

the matter fixed by a composite label showing the exact ingredients, and that as well as the price on that product would nearly fix the standard of that product in the minds of the public.

MR. HAMILTON: Mr. Chairman, I did not finish my statement. In this same connection—in regard to jelly—being illustrative of a class of food products. I can see no objection to such a committee as we have been discussing saying that pure apple jelly shall consist of pure and unadulterated juice of the apple prepared with sugar or sirup, and leave it at that. If they want to use glucose, let them use it if they do not have to put a preservative in to keep the glucose and keep it from ruining the jelly—to keep the glucose from getting in bad shape.

MR. SHEPARD: That is just what they will have to do. I would like to ask Prof. Hamilton one question.

PRESIDENT JONES: Mr. Hamilton, Mr. Shepard desires to ask you a question.

MR. SHEPARD: I would like to ask you, professor—you seem to have spent a good deal of time and thought on this bill—and I would just like to ask you if you think it would be the best plan to have these officers in charge of the enforcement of the food laws. . . . I want to ask if you think it the best plan to have them as subordinates under the Department of Agriculture. The Department of Agriculture now has so many bureaus and has reached out so wide and so far, and has gathered so many things together, and when we come to think of the immense amount of work to be done, of the different food products and things of that kind they have to deal with, and of the interests involved, it seems to me as though this man who has charge of the food products of the United States ought to rank along with the Secretary of Agriculture himself or the Secretary of the Interior.

MR. HAMILTON: Mr. Chairman, my thought in that connection is this, that there is a disposition on the part of Congress to avoid a multiplication of the departments in our national government. Those of us who have followed the sentiment of Congress as expressed in their action know that the bill that was presented for the erection of a Department of Commerce has failed. I am heartily in favor of that bill as proposed. This would naturally go into some such department as that, but my feeling is that we should ask for what we are likely to be able to get. If we embrace with this question the second question of establishing a new department under the national government, we are handicapping ourselves at the start, because, doubtless, many a man in Con-

gress who is against the erection of new departments, would be for this bill if it did not increase the number of departments. And it would simply conform to what I consider practical politics, in this way, that if it is put into the Department of Agriculture we would then get the support of an army of men that are now connected with this Department of Agriculture; and so would be more likely to be enacted into a law satisfactory to us.

MR. SHEPARD: May I ask you one more question, professor? Now I notice that you propose that the President of the United States shall appoint this man to work under the Secretary of Agriculture. What do you think of the proposition, if this man is to work under the Secretary of Agriculture, why not let this bill say he shall be appointed by the Secretary of Agriculture.

MR. HAMILTON: It is on the same principle that the President now appoints the Assistant Secretary, who now works under the direction of the Secretary of Agriculture. I believe that the chief of a bureau should have supervision of his bureau and that, in the main, while the chief of a bureau should be subordinate to the chief of the department, he should leave him with the amount of freedom in his control of the affairs of the bureau which is absolutely necessary to enable him to perform efficiently his duties. The President is the head of all the departments, and yet rarely does he interfere with the minutia of the operations of the bureaus, but only in a general way fixing its policy perhaps. As an officer the head of a department is responsible, and the report of the bureau is incorporated into the report of the department official.

PRESIDENT JONES: Just one word. Is there not another reason, and that is that the constitution of the United States makes the President—that is, gives him appointive power—for all these officers, just as the state government does to the Governor? It would be, I think, an encroachment upon his power unless he voluntarily laid it down. I think unless that power was taken from him it would be an encroachment upon his powers, would it not?

MR. HAMILTON: I think perhaps, Mr. Chairman, not a constitutional encroachment; but sometimes governors and other officials have some little feeling as to the matter of appointments, and it does not do any harm to the department to have the President consulted in the appointment of the official. That is the custom, and I think is one that we can well follow. I think it is wise in a political way as well. I am speaking of politics now, not in a partisan sense, but in its great sense. You have the support of the President of the United

States for this man in his work, which is a very important work—a very responsible work. Those of us who have been in the fight all these years know that the man who has to take the forefront in it must have the support of the superior authorities of his state or he will fail. It seems to me this would give him (the Dairy and Food Commissioner) the personal support of the President of the United States, which he will need before he finishes his work.

MR. BLACKBURN: There is another thing I want to state. I have been interested in this subject a great many years and one of the most difficult stumbling blocks we have met with in all our agitation on this subject has been the question raised by those who are manufacturers and by those who are producers (for instance, I heard the question raised in Washington) that the Agricultural Department at Washington did not represent the people of the United States at all; that they only represented one class; that it was a legislative freak in that regard; that it represents the farmer only, and nobody else but the farmer. That is the statement that was made, and I think Mr. Hamilton was present and heard it made by a gentleman from New York. I have forgotten his name now. That, to my mind, would be one objection to the adoption of the proposal made by Mr. Shepard. I think the President of the United States does represent all the people of the United States, whether the Agricultural Department does or not.

This will be a position of importance and responsibility, and there is every reason why it should be an appointment made by the President, and no reason why it should be an appointment made by the Secretary of Agriculture any more than any other appointment.

I was a little surprised to hear Mr. Hamilton say that the Department of Commerce bill will be a failure; that the legislation will not be enacted. My advices were to the contrary.

MR. HAMILTON: Mr. Chairman, I meant to say it was one of the bills that has not yet been completed. What will be done by the next session of Congress I cannot say.

MR. BLACKBURN: My advices are that this department will be created by the next session of Congress, and in my opinion it will be a long time before our National Food Law graces the statute books or is enacted. It seems to me that as the Department of Agriculture has so many branches to look after it might be well to put this into the Department of Commerce and give them something to do in addition to their duties prescribed by Congress. I think it would come nearer being an ideal proposition than any other introduced, and I have been considering pure food bills for the last six or

seven years, pretty much of the time. I think that it might, perhaps, be more likely to be enacted into a law if placed in the Department of Commerce, or some other department than the Department of Agriculture, because my experience has taught me that many large firms and many influential individuals and a great many strong corporations will antagonize any pure food law as long as it is placed in the Department of Agriculture, because they feel that this department is dominated by the agricultural interests; and it is right and proper that it should be. But they feel that it should not dominate in this. I am disposed to agree with them in this, for I think that the consumer and the vendor have the right of recognition on this point as well as the producer.

MR. SHEPARD: I have one word more to say, and that is this. I hardly agree with Mr. Blackburn in one thought, at least implied. I believe that if this matter of legislation is placed under the supervision of the Department of Agriculture we will all get equal and exact justice. I do not think that that need trouble us at all; that thought is not involved.

The thought I wished to bring out was simply this, that the duties of this office would be so great as to almost warrant our making a new bureau like the the Bureau of Commerce—that is, not a bureau, but a department. That is my idea. Some might say this is not a very important matter. Is it not important? DOES IT NOT MATTER TO US AS A NATION WHAT WE FEED OUR BABIES, WHAT WE BRING INTO OUR HOMES TO BRING UP THIS RISING GENERATION? What can possibly matter more? What can be of greater interest or importance? And it is something certainly that will come home to every man, woman and child. I say to you that we, as an Association, have not yet risen ourselves to the proper view of the magnitude of the question. We are just beginning to try to solve some of these great problems, and I think we would be justified in asking a good deal.

MR. BLACKBURN: I would like to make one motion. This question is fraught with interest to us all and while, according to our time, we have used up more than we have allotted to this subject (and the subject is not nearly exhausted), I move that this proposed bill just read by Mr. Hamilton be referred to the Committee on Resolutions, to be considered by them when the committee is appointed by the chairman. That will give every one an opportunity then that wishes to discuss the question further to appear before the committee and express their ideas and views; and while it will take the discussion away from this meeting perhaps for a while, it will not shut off discussion from

those who are particularly interested therein.

MR. PATTERSON: I second the motion.

Motion carried.

PRESIDENT JONES: Unless there is some reason to the contrary, we had better move on to the next topic.

Let us find out first—I see that Commissioner Adams of Wisconsin (or who was Commissioner at the time this discussion was assigned) is not present, and I should like to know whether he has sent his address. Does any one know? Does Prof. Henry take his place? I understand not. I presume Mr. Adams has been very busy in his state, and probably he has not written any address. If that is true, and as I see that the other two assigned with him are not present, I presume that subject will be cut out of the program. Does any one know of any reason why it should not be? If not, I think I will just give it as the views of the Commissioners that the oleomargarine question has been pretty well settled by the action of Congress. We will just leave it. I think we can pass that very safely for awhile, and if that is the view of the members of the Association we will pass it and go on to the next topic.

PRESIDENT JONES: I wanted to know what we were to do this afternoon, but I see a disposition on the part of some of the gentlemen here—that is, I see some of them are beginning to look at their watches and that means they have an eye to something else than the program. But I wanted to see if we could not get the program in shape for this afternoon.

The next thing on the program is
“ANTISEPTICS AND COLORING IN
FOODS,”

and this topic is assigned to Prof. Mitchell, Chemist of Wisconsin. Does any one know whether Prof. Mitchell has sent his paper or not? Has it been received? Is Mr. Bailey in?

MR. BAILEY: I have heard nothing from Prof. Mitchell.

PRESIDENT JONES: Dr. Eaton has a paper I see on this question. Doctor, are you prepared to take up this question and argue it without Mr. Mitchell, or do you know anything about Dr. Mitchell?

DR. EATON of Illinois: I received a telegram from Mr. Mitchell saying that it would be impossible for him to be here, but he said nothing to me, either in the telegram or in a previously written letter about the paper. So I presume he has not sent it.

PRESIDENT JONES: Have you prepared a paper?

DR. EATON: I have not, expecting to discuss the paper as he presented it.

PRESIDENT JONES: I see the next thing is a paper by Mr. Doolittle.

MR. DOOLITTLE: I have not prepared a paper. Yesterday was the first intimation I had that I was on for this discussion, and then I just happened to get hold of a program. We never received any programs; none was ever sent to our department. I have not seen Mr. Snow, but I know we never received any programs.

PRESIDENT JONES: Mr. Noble was to send these out, and I supposed he did it.

MR. BLACKBURN: Cannot we decide these matters as well after lunch as before?

PRESIDENT JONES: I wanted to decide before lunch what we were going to do.

MR. BLACKBURN: And I wanted to cross the bridge when we got to it.

PRESIDENT JONES: I want to know how the members of the Association feel about passing this question.

MR. DOOLITTLE: We have a representative of manufacturers here, I understand, and he wants to discuss this question. I think that we ought not to shut it out. It is a matter of considerable importance and I don't think we ought to pass it.

MR. JONES: We will expect, then, to hear from Mr. Doolittle, and this gentleman and Brother Blackburn this afternoon.

MR. ALLEN: I move an adjournment until 2:30 p. m.

MR. MONSON: I second the motion.

AFTERNOON SESSION, July 9th, 1902.

PRESIDENT JONES: The house will please come to order.

The next thing in order is the discussion on

"ANTISEPTICS AND COLORING IN FOODS."

Prof. Mitchell, Chemist of Wisconsin, was assigned the address on this subject, but, owing to matters coming up in his state, he could not get away, so we will have to discuss the question without the aid of his paper.

I understand there are quite a number who desire to enter the discussion of this question. It is a very important question, one perhaps of as much importance, or nearly so, as any one that comes before any of the state departments.

This will be opened, according to the program, by Dr. Eaton, Chemist of Illinois. Gentlemen of the Convention, I will introduce to you Dr. Eaton, who will now address you upon this subject.

DR. EATON: Gentlemen of the Convention and Ladies' Auxiliary, I feel in being called upon to discuss the subject of antiseptic and coloring in foods in place of Prof. Mitchell of Wisconsin, who was to open the subject, that I am doing so at a great disadvantage. In the first place,

the program calls for a written paper. It is difficult to discuss this question in a chemical way without a paper. In the second place, I had the misfortune to lose some notes I had on the subject in a grand effort to invest in some Oregon property down in Huntington. But, nevertheless, I will do the best I can in presenting the subject.

If I were writing a paper upon the subject I believe I would divide the subject into two general classes:

First—Those antiseptic (in speaking of antiseptics I will often use the word preservative, for antiseptics are used as preservatives) I would divide the subject, as I said, into two general classes.

First—Those preservatives or coloring matters which are detrimental to health, and

Second—Those which are not detrimental to health.

There is considerable difference of opinion as to what preservatives are actually detrimental to health. There are some preservatives which we know are not detrimental to health.

At a meeting of a committee of the Association of Official Agricultural Chemists it was proposed to divide the subject of preservatives into three general classes:

First—That class of preservatives which should be known as household preservatives. That is, those common preservatives which proclaim their presence by the taste.

In this class can be included salt, sugar, alcohol, vinegar, pepper, spices and wood smoke. All of these antiseptics must be used in considerable quantities in order to effect the preservation of the foods: and they all have a distinctive taste so they may readily be detected by the consumer.

Second—The second class of preservatives (I have forgotten the name that was given them) might be called semi-poisonous preservatives—preservatives which in the small quantities in which they are used in food may be entirely harmless but which are decidedly harmful and even poisonous, you might say, in large doses. In this class of preservatives should be included borax, boracic acid, benzoic acid, sodium benzoate, sodium sulphite, sulphurous acid, formaldehyde, and the different flourides—ammonia flouride, sodium flouride, etc., and beta naphthol. Beta naphthol is coming into quite general use now in some classes of food products as a preservative.

Third—Then there is the third class which includes all those which are harmful even in small doses, and in amounts which might be used in food.

Perhaps the most generally used preservative in this class is salicylic acid. Then of course

we have the chemical preservatives—mercuric chloride and the salts of mercury, and potassium by-chromate and potassium permanganate, all of which are very good preservatives, but which are little used in foods owing to their poisonous character.

It was proposed to allow the free use; that is to place no restriction on the use in the market, of the household preservatives in food; and in the second class, or the semi-poisonous class of preservatives, it was proposed to allow them to be used in certain limited quantities, provided the name of the kind of preservative and the amount used was placed on the label of the goods.

Of course the third class of poisonous preservatives should be prohibited entirely.

In speaking of antiseptics and preservatives, we know that there are certain methods of preserving food without the use of chemical preservatives. It is true, we know, that no food can be kept any length of time upon the market exposed to the air, without some chemical preservative. That is the only method we have of keeping foods when exposed to the air; and in some foods a preservative is absolutely necessary because they are not put up in small enough bottles to be used before they will spoil. But a better method than the use of chemical preservatives, when it can be applied, is heat, for instance, pasteurization and sterilization, or drying, which latter method is used very frequently on the plains.

Food can be preserved also with the aid of electrolysis and by pressure. Those two methods have not yet come into common use, although it has been demonstrated that they are effectual even in the case of milk which very easily decomposes.

In considering the question of coloring in food, we can only divide it into two general classes:

First—Those colors which are harmful in large quantities.

Second—Those which are innocuous.

Coloring is not used in food products in such quantities as to render the food in which it is used unwholesome or unhealthful because such small quantities are needed.

But we can also consider this subject from the standpoint of fraud. A great many preservatives and coloring agents are used in food to hide the real nature of the article of food. They are used as masks to prevent the public from knowing just how the food is prepared. If the public knew how some foods are prepared they probably would not use them and these preservatives are used to deceive the public as to the manner in which the goods are prepared. Now as to milk which may be produced in unsanitary surroundings and would decompose rapidly and would

have a bad odor and smell. The public would not use such milk except for the fact that some preservatives, such as formaldehyde, had been used which, for a time at least, masks the unwholesome flavor and smell.

I believe that is all I will say in opening the subject.

I will say, however, that the subject is one of perhaps the most important we have to deal with, especially as chemists, and one on which we have as little information as on any other subject connected with chemistry and with which we have much difficulty in the enforcement of the food laws.

MR. BLACKBURN: I would like to ask Dr. Eaton one question in regard to artificial coloring of foods. I suppose he had in mind particularly the coloring of butter and cheese; but I would like to ask him what he thinks about coloring or greening vegetables with copper.

DR. EATON: That is another matter that occupies about the same position as color in butter. It only takes an infinitesimal proportion of copper to green a vegetable, and a very small amount indeed is used. It is allowed in a great many European countries and in almost every state in the Union. I have not decided what position I should take in the matter.

In considering the coloring of foodstuffs with anilin dyes we must consider not only the poisonous nature of the dye itself, but the impurities and deleterious matter that gets mixed with the dye in its preparation. For instance, many rosanilin dyes are prepared by the use of arsenic, and that arsenic may be transferred to the coloring matter that goes into the food. It is impossible, for that matter, to entirely eliminate the arsenic and a great many of the commonly used coloring matters are contaminated with arsenic. The coloring matter used in confectionery is mostly made by another method. However, there are some confectioners who, for a few cents' difference in price, will use the coal tar dyes prepared with arsenic.

MR. HEINER: Mr. Chairman, may I ask Dr. Eaton a question? Possibly my question is not bearing directly upon what Dr. Eaton has said, but there is a little information I would desire to have in regard to the common use of formaldehyde in milk. For instance, if I am to take a sample of milk one hundred miles to where my chemist is stationed, would it not be possible, from the fact that I had carried the milk that distance, for that formaldehyde to have disappeared to such an extent that the chemist could not detect it without thorough analysis?

DR. EATON: Yes, and the chemist might not be able to detect it, even by a very thorough analysis. It combines with the casein of the

milk and if the milk is kept for any length of time after the formalin was introduced (unless it had been placed there in very large quantities) it may be that the chemist will not be able to detect it. Mr. Doolittle at our last convention gave the history of a case where a sample of milk was carried from Lansing to Detroit, I believe it was, and the formalin during that time had entirely disappeared.

MR. HAMILTON: Might I not suggest that we are not through with the subject yet? Would it not be well to hear from Mr. Doolittle before opening the subject for general discussion?

PRESIDENT JONES: We will now hear from Mr. Doolittle, who is assigned to the discussion of the question. Of course, not having Dr. Mitchell's address, it is a little irregular and also inconvenient for these gentlemen to discuss this question, but, of course, they have to take it on the theory that there has been a paper or else branch out in a general way. That is what Dr. Eaton has done, and I presume Mr. Doolittle will proceed along that line.

MR. DOOLITTLE: Ladies and Gentlemen: What I say will be in the nature of a general discussion. As I just told you I have no paper prepared and, as I said, did not know I was on for a discussion of this question.

You all know that the subject of antiseptics and coloring in food products is the important question confronting the food departments at the present time. What are we going to do about it is the question that comes up nearly every day when the antiseptics, preservatives and coloring matters are found in food products.

Regarding the use of preservatives in all milk products and dairy products, it has been the unanimous verdict and opinion of the different chemists and authorities that it should be prohibited entirely, from the very nature of the food and the persons who consume it.

Now, this subject of preservatives and coloring matters in food products is not a question for the analytical chemist; it is a question for the physiological chemists to settle. There are some natural preservatives and some natural coloring matters and there can be no objection to their use in food products. As has already been cited by Dr. Eaton, at the last meeting of the Association of Official Agricultural Chemists at Washington it was held that there were a certain number of preservatives, called, I believe, household preservatives, which may be easily detected by the natural senses and which are useful and can be used in food products.

As a chemist, I have almost come to the conclusion that I am opposed to the use of all coloring matters in food products. As a legal propo-

sition, it is an entirely different question and depends on whether it is covered by the food laws or not. But as a chemist, I have come to the conclusion that they should be entirely prohibited. Take, for instance, the anilin dyes. Every time you take up a chemical journal, if you will notice the patents that have been taken out you will find that nine out of ten are for some new anilin dye. Now, how are you going to find out whether all those dyes are injurious to health or not? If we allow a certain few we are taking dangerous ground in regard to some getting in that are injurious to health. From the chemical side, I would say that it is a difficult question for the chemist to tell what particular anilin dye is present. It is impossible, nearly. He can prove that there is an anilin dye present, but to prove what particular anilin dye it is, even after it has been settled whether it is injurious to health or not, is almost impossible. And, therefore, from a chemical point of view I am opposed to their use; and I believe there is a growing opinion throughout all the land in opposition to the use of coloring matters and preservatives in food products. Now, take for instance, the use of coloring matter in jelly. It is growing so in Michigan that they are trying to put on the market a jelly, made from cane sugar all right with the peeling, cores, etc., of the apple and it is sold for quince, it is sold for apple, it is sold for currant, and it is sold for raspberry, and all the different fruits. It is simply colored up to represent those different fruits.

Coloring matters are never used but what they are used to deceive a person in some way, either to cover up some gross adulteration or to make the product appear of greater value than it really is.

I do not know as I have anything further to say on the subject.

PRESIDENT JONES: We will now hear from Mr. McConnell on this subject. Ladies and gentlemen, I take great pleasure in introducing Mr. W. W. P. McConnell, Dairy and Food Commissioner of Minnesota.

MR. MCCONNELL:

Gentlemen: I deem it a great privilege to be permitted to meet with this assemblage to exchange views and to touch elbows with the Dairy and Food Commissioners of our great country. From my viewpoint no more important gathering could be held than this, freighted as it is with that which portends so closely to public health and public well-being. Among the many and weighty subjects which will come before this gathering for consideration none deserve closer study than that of food preservatives, their usage and effects being so extended that there is scarcely a manufactured article of food or drink that is not susceptible of having some preservative enter

its composition. When nature brings any product to perfection by making it suitable for human food the problem of commercialism is how to maintain it at that point of excellence the longest time, so it may be transported long distances and yet be kept ready for human consumption. To solve this problem has been and will continue to be a study for the chemist and the inventor.

Refrigeration is costly and often impractical. With chemicals it is difficult to preserve many articles without using some substance detrimental to public health, and yet accomplish the result desired. Again, the item of cost must always be considered, and very often the cheapening of the article of food or drink has been of much more importance to the manufacturer than that of its healthfulness. There is in many states an absence of, or at best only a partial, law regulating food preservatives, and in states where attempts have been made to define harmless or injurious preservatives legal decisions have often embarrassed or obstructed their enforcement.

Medical opinions as to the permissibility of using certain chemical preservatives differ so widely that confusion in the minds of the public is very prevalent.

The common articles of preservation, such as salt, sugar, vinegar, etc., have such a common usage and general adaptability to taste and health that all recognize their worth and continued usage has established their utility. This is not the case with borax and its varied derivatives—salicylic acid, benzoic acid and their derivatives and compounds. While good medical and chemical authorities may differ as to their immediate injurious effects, yet all agree that when they are used great care must be taken and only experienced knowledge should direct their usage. To a limited extent, under skilled medical direction, these preservatives may be used without injury, but when used to cover taint or decomposition and in quantities sufficient to produce desired results is where the danger of unrestricted usage occurs. Borax, which is the most common of chemical preservatives, has the power to deceive the God-given senses of taste and smell, and enables articles to enter into food that the stomach would repudiate if the deception was not used. When used in meats, in which decomposition may have been sufficiently advanced so that scent and taste must be overcome, the quantity must be so large as to be detrimental to public health. It has been proven that a mixture of borax and common salt will restore the meat to its original color and taste and enable its usage and relish. Thus the dangerous element of ptomain poison is still left to produce serious illness, or even death to the partaker of foods thus prepared. In a recent trial held in Minneapolis, Minn., a butcher who had had thirty years' experience and who was then

foreman of one of the largest retail markets in the state testified as follows:

To the question of "How much was ordinarily used to a given quantity of meats?" the answer was, "We never measure it; we always have a pepper box and sprinkle it all over the meats and then turn them over and put on more until we kill the smell and it restores the color, the amount used depending entirely on the degree of putridity and scent to be overcome." To the question "In the preparation of chopped meats, do you use meats that smell badly?" the answer was, "Oh, yes; we use such meats that cannot be sold unless so prepared."

This shows the great danger of its usage in any form in articles of this kind, as no rule only that of commercialism is practiced. This admits of no limit that will bring money into the till of the dealer. While this is true of borax and its derivatives, it is equally true, only to a more alarming extent, of salicylic acid and its varied compounds. As evidence of this it is only necessary to consult the advertising columns of journals circulated largely among meat dealers and manufacturers of catsups, condiments, etc., as there is where these articles are used very extensively and their baneful effects are shown. As all food chemists are aware, the use of these preservatives is practiced to a greater or lesser extent in chopped meats, canned meats, codfish and other dried or smoked fish, in catsups, many condiments, and in many cheap jellies made of either fruits or meats. Also they are used quite largely in canned vegetables. In drinks, such as the so-called "sweet ciders," their use is almost general and often to an excessive amount. In beers, fruit syrups for soda fountains, their usage is quite general. Perhaps one of the most pernicious usages of chemicals of this nature is in grape juices and such preparations for patients whose already weakened stomachs demand only carefully prepared and entirely harmless compounds.

The question of preservatives in foods and drinks has largely engaged scientific and practical investigation in European countries for many years, and reports and laws based on these researches have restricted or prohibited their usage to a very large extent, but in the United States the question is only in its infancy. How to meet and successfully cope with these evils is the present and future problem for food and dairy departments to solve. We need not hope for the final and successful solution of any of its effects by singly trying to solve the question by separate state enactments, for as often as we drive out a form of preservative usage that is a money maker from any individual state it will be transplanted to another commonwealth and there flourish and continue to send out its death-dealing products, until it may be made to take another move by

legislation from that state also. The only successful remedy I can see is by a concert of action that will crystallize into a national act, and then we may expect to reap the benefits of our united effects. We have seen oleomargarine driven step by step, and although every inch of ground has been a battlefield, yet the victory has been gained.

As a representative of the North Star State, whose name is now broadened into the "Bread and Butter State," I hope the time is not far distant when the proper restrictions or prohibitions of detrimental food preservatives may be an accomplished result, both national and in each of the several states in this, our beloved nation.

PRESIDENT JONES: I believe Mr. Blackburn stated this morning he wished to make a few remarks on this subject.

MR. BLACKBURN: I wish to state, Mr. Chairman, that I had a letter from some one—I believe it was Mr. Louden of Cincinnati, of the National Pure Food Co.—in regard to coloring food products. They asked me to represent them here, but I refused. Then they asked me if they would present a paper on the subject of preservatives if I would see that it came before the Association. I saw no objection, no impropriety in that, so I cheerfully agreed to present any article they might send me. They sent me, under date of June 23d, a very dignified communication on the subject. I will ask the Secretary to read it, as he has not done anything yet to earn his salary.

Cincinnati, June 23, 1902.

Hon. J. E. Blackburn, State Dairy and Food Commissioner, Columbus, Ohio:

Dear Sir—In October last we had some correspondence with Mr. J. K. Cope, Pennsylvania Dairy and Food Commissioner, in regard to the rulings of his department on the use of preservatives in catsup, and he rather took us to task over the failure of manufacturers in our line to appear before your association at the meeting in Buffalo with a statement of our views on this matter. As we explained to Mr. Cope at the time, the meeting was held at the busiest time of the year for us, and it was impossible for the writer to leave the factory.

Bearing on this same matter of the use of preservatives in catsup, we have recently received a copy of the second report of the Kentucky Agricultural Experiment Station in which certain statements are made relative to the manufacture of catsup which are certainly erroneous.

Understanding that your association will meet next month at Portland, Oregon, and being unable to be present on account of the fact that the packing season is so close at hand, we venture to address you on the subject above, and would ask you to kindly bring the matter before your asso-

ciation for some action looking to a uniform ruling on the matter—and we trust one that will not be destructive of a large industry giving employment to hundreds of people and paying thousands of dollars annually to the farmers and to manufacturers of bottles, boxes, etc.

As the statements in the report of the Kentucky Food Commissioner probably represent the views of those who object to the use of all antiferments in food products, we quote from that report as follows: Page 6.—"By the use of preservatives the manufacturers can, during the busy season, work the tomatoes into 'stock,' that is, to partially boil the tomatoes, add the antiseptic and then store away in vats until the busy season is over." "If no antiseptic is used the tomato catsup would have to be bottled at the time it was made, insuring thereby cleanliness and healthfulness." On page 24 of the report the idea is suggested that antiseptics are used solely to avoid the trouble and expense of cleanliness and sanitary methods. The whole report, so far as it refers to the manufacture of catsup, is based on the supposition that in only the cheapest grades of catsup, made from the poorest ingredients and in the most uncleanly manner, is it necessary to use anything to prevent fermentation.

With an experience of many years in the manufacture of high-grade goods, we wish to deny this suggestion most positively.

The object of using a preservative in catsup is not to cheapen the cost by enabling packers to dispense with the care and labor necessary to insure cleanliness, nor to enable packers to use inferior ingredients, but to prevent the fermentation of the goods *after the bottles are opened* and before the contents are consumed.

Every one with any knowledge of chemistry will admit that any moist vegetable which is not preserved either by the use of sugar, salt, vinegar, alcohol or artificial preservatives, will ferment, decompose or mold *after* being exposed to the air for a short time. This is especially true of such a compound as catsup, which is largely the juice and pulp of the tomato with the addition of granulated sugar—itself an element of fermentation unless used in such quantity as to form a preserving syrup, which cannot be done in catsup, nor can sufficient salt, vinegar or alcohol be used to prevent fermentation without rendering the goods unpalatable. We have spent a good deal of money in experiments on goods without preservatives, at one time putting up several hundred bottles of catsup according to our regular formula with the exception of the preservative. The goods were made in the regular way from fresh, ripe tomatoes (we use no waste or peeling stock, as we make only fancy goods), the bottles, corks, receiving tanks, filling tanks, etc., were all thoroughly cleansed and sterilized, either by dry heat

or the use of live steam, just as we always do; in fact, the entire process of handling was exactly the same as in our regular work, except that no preservative was added. We kept these goods under varying conditions of temperature, light, etc., for several months without opening the bottles, and none of them fermented or molded, showing that the sterilization was perfect, but on opening some of the bottles the catsup fermented in two or three days. The other bottles remained good till opened, but *all fermented after drawing the corks and exposing to the air*. The point we wish to make is this—that, even if the catsup is bottled when made—and when made from the very best of materials, perfectly clean and *chemically* clean or sterilized—the catsup will ferment after it is opened and exposed to the air unless some preservative is used. Catsup is different from milk, beer or almost any other article of food or drink in that it is *not* consumed quickly after opening, but is used a little each day, a pint bottle lasting an ordinary family from two to four weeks, and the catsup remaining in the bottle being constantly exposed to the air, which has the germs of fermentation in it.

Milk is intended to be used fresh, and ordinary care and cleanliness in handling insures against its souring till used. The natural percentage of alcohol in beer has a tendency to prevent fermentation; pickles have sufficient salt and vinegar to keep them, and jellies, properly made, have sufficient sugar to act as a preservative, but catsup has no alcohol and not enough salt, sugar or vinegar to preserve it. While our experiments showed that it is possible to put the catsup up without antiseptics so that it will keep till opened, the fact that it fermented shortly after opening proved the impracticability of the process from a commercial point of view.

Referring to the preparation of “stock” referred to in the quotation above from the Kentucky Agricultural Experiment Station, all of the better grade of catsup is made from whole, ripe tomatoes and is bottled when made, the entire process of converting the tomatoes into catsup and the filling of the same into bottles being reduced to the shortest possible time in order to minimize expense.

It must be obvious to any one that the cost would be greatly increased if the tomatoes were converted into “stock” or catsup and barreled and afterward taken out of the barrels and bottled, instead of going direct into the glass as made. A certain amount of the tomato juice or pulp is canned or barreled, but this is stored away for winter work and the process of preparing it is an added expense, not a makeshift for the purpose of saving money or avoiding cleanliness.

Taking up the matter of injurious effects of preservatives, in tomato catsup the usual amount

of benzoate of soda and similar preservatives used is 4 ounces to 50 gallons of finished catsup, or one-fourth pound to 500 pounds; equal to one part in 2,000.

As benzoate of soda is composed of benzoic acid and soda, a considerable part of this one part in 2,000 is soda, which is in general household use in cooking and is admittedly non-injurious. The amount of preservative used in an entire pint bottle figures out less than 1-100 of an ounce, and as the usual amount of catsup used at a meal does not exceed a tablespoonful to each person, the quantity of preservative consumed is so exceedingly small that it cannot possibly have an injurious effect, even if taken daily. The statement is made that any antiseptic used in sufficient quantity to prevent fermentation of the goods will prevent the fermentive process of digestion. To convince any one of the incorrectness of this statement as applied to catsup, it is only necessary to add a very small quantity of raw material of any kind to a bottle of catsup and see how quickly it will ferment—a few drops of raw tomato juice, a little fruit juice, bread or even water, if not very pure, will overcome the antifermentive effect of the preservative and cause the whole bottle to ferment in a short time, and when the usual small amount of catsup is introduced into the stomach the antifermentive effect of the preservative is entirely lost in the mixture of the catsup with other foods. Not only this, but the flow of the digestive secretions is so stimulated by the spices, vinegar, etc., that there is no question but that catsup, even with a preservative in it, is a decided aid to digestion.

Labeling.—So many misleading articles have been published regarding preservatives that if packers are required to place labels on the packages indicating that preservatives are used, they might just as well label them “poison.”

If the writers of some of these sensational articles are to be believed, the most harmless preservative is more deadly than strychnine. A requirement to label goods so as to show the presence of preservative would result in the ruin of the business, simply because people have been led to believe that “preservative” or “antiseptic” means “poison.”

We trust you will give this matter your consideration and hope you will establish a uniform ruling for all states, permitting the use of harmless preservatives (*to be definitely specified by you as to kind and amount to be used*) in goods which from their nature and composition will ferment on exposure to the air, and which from the manner in which they are used are necessarily uncorked and exposed to the air for several days or weeks before the contents of the package are all used up.

if we have not already trespassed on your time too long, we would like to add a few words on the matter of color. We again quote from the report of the Kentucky Food Commissioner: "The artificial coloring suggests the inferiority of the products from which the samples were possibly made." We beg to differ from this conclusion. Foods, like other goods, are bought as they appear attractive to the eye. A red catsup is more attractive than a dirty, muddy, brown color, and no matter how thoroughly ripe and red the tomatoes are, the process of cooking down 150 gallons of tomato juice to 50 gallons of catsup, to get the proper consistency, kills the color, and artificial color is needed to restore that destroyed by the process of cooking. The report concedes the propriety of using artificial coloring matters that are harmless in confectionery—why should not the same coloring matter be permitted in catsup? It is not used to cover up defects or inferiority when the ingredients used are the best, but merely to replace or restore the color that is destroyed by the cooking, and to prevent further fading when exposed on the grocers' shelves. You do not require a color label on candy that is artificially colored—why should it be required on catsup? Yours truly,

NATIONAL PURE FOOD CO.

Diet. C. F. L.

Mr. Allen: On this subject of antiseptics and coloring matter in food products. I want to say that our position on this question has been upheld by the court in nearly two hundred cases, I believe. We are standing on this foundation in Kentucky in taking the position that coloring matters and antiseptics are of their nature deleterious to health when used under certain conditions; and we say that the use of these agents should be made known to the consumer when used in any particular article of food.

Mr. Allen: Mr. President, I beg your indulgence just a moment more. The problem before the Kentucky people for the past three years has been that of antiseptics and artificial coloring matters in foods, and I believe this to be the foremost question before this convention. I also believe that our position in Kentucky toward this subject is the position assumed by the other commissions. It certainly is the position of all the state legislatures, judging from the universality of statutes which either regulate or prohibit the use of antiseptics and coloring matters in foods. It is the position of such scientists as Wiley of Washington, D. C.; Frear of Pennsylvania, Scovell of Kentucky, Mitchell of Wisconsin, Jenkins of Connecticut, Doolittle of Michigan, Prescott of Michigan and others who have studied the question.

There is an overwhelming testimony from scientists that these antiseptics are, for various reasons and in different degrees, harmful when taken

into the system. Even those who favor their use in small quantities agree that their use should be made known to the consumer. Recognized experiments show them to be anti-digestive and accumulative; that they are eliminated by the kidneys and that such elimination gives rise to various forms of kidney trouble; that some of them affect the higher nerve centers and depress the heart action.

Dr. J. Kister of Berlin has recently carried out some researches on the physiological effects of boracic acid. The ingestion of from 40 to 50 grains of boracic acid daily by strong and healthful subjects, gave rise in from four to ten days to albuminuria, which persisted concurrently with the administration of the drug. In further experiments 15 grains a day sufficed to produce vomiting and diarrhoea. The administration of 15 grain doses in a normal subject was followed within two hours by its appearance in the urine, complete elimination taking eight days. With half that dose excretion began at once, and lasted five days. The doctor considers that the daily ingestion of even small doses of boracic acid is apt to give rise to cumulative effects, which may ultimately determine toxic symptoms, and his experience tends to show that young persons are much more susceptible to the influence of the drug than is the case later in life.

Chief Chemist Wiley, of the U. S. Bureau of Chemistry, considers salicylic acid "very deleterious to health," and states, "There is no preservative which paralyzes the ferments which create decay that does not at the same time paralyze to the same extent the ferments that produce digestion." He also says, "The very fact that any substance preserves food from decay shows that it is not fit to enter the stomach, especially if the stomach be delicate and the digestion feeble," and again he states, "I maintain that no food should ever be offered for sale which contains a preservative without that fact being plainly marked upon it."

Prof. E. H. Jenkins of the Connecticut Agricultural Experiment Stations, says, "These modern preservatives are used without any notice being given by the vendor that they are used," and when this notice is not given, "that opportunity and right of the individual to find out whether they will or will not injure him is taken away."

Dr. Albert B. Prescott, of the University of Michigan, states, "I believe that in general preservatives and antiseptics in food are unfavorable to digestion and injurious to health."

Prof. Mitchell of Wisconsin states, "Any antiseptic which is an active antiseptic is necessarily deleterious to health. It stops the working of the normal enzymes or ferments, and it stops the digestive processes which take place in the organs, and it stops, in a measure, the changes which

take place normally in the food products, possibly, in some cases."

Prof. M. A. Scovell, director of the Kentucky Agricultural Experiment Station and a member of the committee selected by the Official Agricultural Chemists, and appointed under an act of Congress by the Secretary of Agriculture, on food standards states: "I know of no food product which cannot be put upon the market without the use of antiseptics. From our present knowledge concerning the deleterious effects of the antiseptics used I am not in favor of their use in any food product. * * * The strictest regulation should be maintained over the food products which are preserved with antiseptics, and in every instance the public should know the kind, quantity and probable effect of the antiseptic used."

The United States Senate Committee on Manufacturers, after hearing the evidence from the large number of scientists and manufacturers of food products throughout the country, report on the question of "Preservatives":

"Under this head an immense amount of evidence has been taken. The indiscriminate use of preservatives in different food products is a dangerous practice and one which should receive the most careful supervision. There is no doubt in the minds of the committee that much carelessness is covered up by the use of preservatives."

The British Department Committee made the most extensive research we have yet had on the subject of "The Use of Antiseptics and Coloring Matters in the Preservation and Coloring of Foods." The committee in its conclusions says: "The actual material upon which to base trustworthy conclusions has not existed heretofore in that the *declaration of preservatives* and also a *regulation of and notification of the amount thereof present* in any preserved food must be regarded as a *necessary preliminary* to any accurate observation or statistics upon the subject." This committee recommended to the British parliament, after studying the evidence given before them as follows:

"(A) That the use of formaldehyde or formalin, or preparations thereof, in foods and drinks be absolutely prohibited, and that salicylic acid be not used in a greater proportion than 1 gr. per pint in liquid food and 1 gr. per pound in solid food. *Its presence in all cases to be declared.*

"(B) That the use of any preservative or coloring matter whatever in milk offered for sale in the United Kingdom be constituted an offence under the sale of food and drugs act.

"(C) That the only preservative which it shall be lawful to use in cream be boric acid or mixtures of boric acid and borax, and in amount not ex-

ceeding 0.25 per cent, expressed as boric acid. *The amount of such preservative to be notified by a label upon the vessel."*

"(E) That in the case of all dietetic preparations intended for the use of invalids or infants chemical preparations of all kinds be prohibited."

Before this committee Major Charles Cassal, public food analyst, consulting scientific analyst to the British Food Journal, secretary of the International Commission on Adulteration, fellow of the Sanitary Institute of Great Britain, fellow of the Chemical Society of London, and chief demonstrator in the Department of Hygiene and Public Health at University College, London, under oath testifies as follows:

"The admixture of preservative chemicals with articles of food for the purpose of keeping them in a saleable state, and also for the purpose of enabling stale, inferior and even actually bad articles to be palmed off on the public as good and fresh is a practice which has become very wide spread. It is alleged by the apologists for this practice and by those who are obviously interested in its unrestricted continuance 'that the public demand' for many articles of food can only be met by the use of preservative chemicals. Apart from the question of cheapness this argument is disposed of by the fact that the articles in question are largely and successfully sold without the admixture of any preservative chemicals at all. If it held to be necessary that preservative chemicals must be used in order to provide these articles at a sufficiently cheap rate to meet the demand of a large proportion of the population, *then a full and particularly clear disclosure of the nature and amount of the preservative chemical used and of its possible effects should be compulsorily made to the consumer.* * * * I must say that my desire is to advocate the prohibition of all preservatives rather than to allow them to be used even with disclosure, but if the committee do not see their way to recommending that, I certainly think that the next best thing is disclosure. * * * *The proper legitimate methods of preserving foods when preservation may be held to be required are the probably more expensive methods of refrigeration and sterilization, which have been shown to meet all reasonable requirements.* * * * I consider that the use of any known preservative chemical other than common salt (the presence of which is at once detected by taste, and which is itself a food, and an important constituent of the body), is unnecessary and objectionable, whatever quantities may be employed."

I want to say in answering this letter, Mr. President, that I am glad to see this complaint made to the convention. For while our food laws are primarily intended to protect the public health against frauds in the sale of foods, it also regu-

lates the sales of the products of great industries. These industries have rights and interests, and in many instances the manufacturers have studied the particular food product which they put up more extensively than anyone else; and their rights should be respected before the law, their interests regarded, their complaints listened to, and what knowledge they have concerning the production, preservation and preparation of any food product for consumption should be carefully sought by those who are enforcing the food laws, and who must know what is best and right in order to enforce the laws wisely and with justice to every honest interest.

I must, however, Mr. President, differ with the claims set out in this letter, and I wish that the writer was here to make a defense. And as he is not, if he has any objection to make to my remarks I hope that he will make it at the next convention.

The points set out in the letter as far as I can gather are:

First, Tomato products are subject to fermentation and cannot be put upon the market without some kind of preservation, therefore the use of antiseptics is justified.

Second, That antiseptics are used in the manufacture of catsups to keep the catsup from spoiling after the stopper is drawn, therefore benefiting the consumer and not the manufacturer.

Third, "A certain amount of the tomato juice or pulp is canned or barreled, but this is stored away for winter work, and the process of preparing it is an added expense, not a makeshift for the purpose of saving money or avoiding cleanliness."

Fourth, That benzoic acid in the quantities in which it is used in catsup is not deleterious to health. And that the catsup, even though it contains this antiseptic, is an aid to digestion.

Fifth, That it hurts the sale of the goods to label them showing that they contain antiseptics, because misleading articles have been published concerning the effects of antiseptics upon the health; and that instead of requiring the manufacturers to label their goods showing that the antiseptic is contained, they should be required to use a specified antiseptic, to be definitely specified by the Commissioners as to the kind and amount to be used.

Sixth, In regard to artificial color, "It is not used to cover up defects or inferiority, when the ingredients used are the best, but merely used to replace or restore the color which has been destroyed by cooking, and to prevent further fading when exposed upon the grocer's shelf.

Mr. President, these objections are trite. They are answered in the statements of the authorities quoted above. They are partly answered in the paper which follows later, on "The Court De-

cisions Concerning the Food Laws." I have seen these arguments overturned in the trial of case after case in Kentucky; but I shall attempt, if possible, without sensationalism, to briefly answer them.

First, The fact that tomato catsup ferments is a reason for using antiseptics but no justification. The gentleman admits that his own experiments show "that it is possible to put the catsup up without antiseptics so that it will keep until opened." And abundant other experiments substantiate his results. Therefore it is a possibility to put catsup on the market not preserved with antiseptics. And the prohibition of antiseptics in catsup would not destroy the industry. Milk is the most easily contaminated of our foods, and as soon as it is drawn from the cow's udder it becomes the immediate prey for all the deteriorating bacteria which swarm in every unclean condition of the stable, and these bacteria are multiplied to the millions by every exposure to the summer's atmosphere. Extreme cleanliness, immediate chilling or pasteurization are absolutely necessary to insure its purity and sweetness. And then the consumer must keep the bottle on ice, from the moment the dairyman delivers it until its contents are used, to keep the milk sweet. A drop of formalin or benzoic acid will paralyze the action of the bacteria and will keep the milk sweet, even in a warm temperature. But notwithstanding these facts, the British committee have decided that the milk for great London can be supplied without the use of antiseptics.

Now, Mr. President, the tomato can be exposed for several days or a week after it is pulled from the vine; pulled from the vine sufficiently ripened to impart a pleasing color to the catsup. The tomato is cooked, mixed with vinegar and spices, bottled hot and sealed, and when the bottle is opened by the consumer it will keep for a much longer period in a warm temperature than will milk or the general line of canned foods. If it is kept in the refrigerator and only the quantity to be used is exposed in a little dish during the meal, or if the bottle itself is exposed during the meal and returned to a cool temperature, every drop of the catsup will remain sweet for double the time required to use the contents of the bottle. These statements are the results of personal experiments.

Second, It is claimed that the antiseptic is emphatically used for the purpose of keeping the catsup sweet "*after the bottles are opened* and before the contents are consumed." This is one reason, but it is not the only reason why antiseptics are used in the manufacture of catsups, as the manufacture would have you believe. The manufacture who writes this letter may put up a high-grade goods. Of the hundreds or more brands of catsup on the Kentucky market, there

are not more than a half dozen which I consider "high grade," and the sale of the other 94 are in part only made possible by the use of antiseptics and artificial coloring matter, and I have a statement from one of the foremost catsup manufacturers in the world that up to six years ago his firm did not use either an antiseptic or artificial color in their goods, and were only forced into the use of antiseptics and artificial coloring because these cheaper goods appeared more attractive, and the people were kept ignorant of the reasons why they were more attractive than the better grades.

I have inspected personally a number of plants where tomato catsup is put into bottles, and I have visited at least seven plants where the pulp or juice is shipped to the plant in barrels from some canning factory. I have seen these barrels opened and their contents exposed in August and exposed in this manner, in a stuffy and uncleanly room in the factory. I have had samples from these barrels examined and know that the juice contained enough benzoic acid to preserve it under these conditions. A large amount of the catsup supplied to the restaurants and hotels is supplied in barrels, or jugs, and antiseptics are necessary to supply it in this manner. I know, and you know and the gentleman who writes this letter knows, that a large amount of the catsup made and put upon the market is made from the by-products of the canning factory. And antiseptics are necessary to keep this by-product fresh until it can be worked up into tomato catsup, and artificial coloring is necessary to restore, or make uniform the color of the product and to give to it an appearance which will deceive the public and sell it.

Third, It is stated "that a certain amount of the tomato juice is canned or barreled, but this is stored away for winter work and the process of preparing it is an added expense." It is not stated that antiseptics are added to the juice which is barreled and stored away for winter work, but it is nevertheless a fact. This storing away may be at an added expense, but certainly an added expense which benefits the manufacturer. The gentleman writes, "It must be obvious to any one that the cost would be greatly increased if the tomatoes were converted into 'stock' or catsup and barreled and afterward taken out of the barrels and bottled, instead of going direct into the glass as made." This statement answers itself in suggesting that this inconvenience and added expense could be dispensed with and an occasion for a liberal use of antiseptics in the preparation of this article eliminated.

Fourth, It is claimed that Benzoic acid is not used in the catsup in quantities sufficient to be deleterious to health. I do not remember the brand of catsup which this firm put on the mar-

ket, and I am not prepared to dispute the quantities in which he states that the antiseptic is used in his goods. His statement concerning the quantity of antiseptic used is not true in a number of instances in Kentucky. We have records of analyses of these catsups where benzoic acid, salicylic acid and saccharin have been found in the same sample. We have records where the benzoic acid has been found in the catsup to the extent of more than one-half of one per cent. This half of one per cent I am not prepared to say is deleterious to health. Nor am I prepared to say that there are not many stomachs in which this half of one per cent of antiseptic has an injurious effect. But I do know that the properties of benzoic acid are not altogether harmless when taken into the system. It is a fact that these antiseptics are always used in sufficient quantities to delay fermentation. A delay of fermentation which it will take a greater action on the part of the digestive juices to overcome. The quantity used I will admit is generally too small to have any direct effect upon a healthful person; but put a little formalin in the milk each day; add to this a little benzoic acid in the tomato catsup, a little salicylic acid in the canned fruits and vegetables, a little boracic acid in meats, butter and oleomargarine, a little copper, arsenic or zinc from the beautiful green of the pickles and peas and a little of the unfading aniline dyes in the imitation jellies and jams, and the meal has deposited some poisonous material, which with the repeated deposits of other meals, must, and does have some harmful effect upon the health of the people, or these laws would not be enacted, to prevent or regulate the use of these drugs in foods.

Fifth, It is claimed that if the packers are required to label their goods showing that they contain antiseptics that their business will be ruined. I want to say that any business whose managers would attempt such a wholesale prescription for patients they have never diagnosed, and perhaps could not diagnose if they had the opportunity to determine what individuals are extremely sensitive to these particular drugs, should be ruined. And I also want to say that there is transportation awaiting and room in this limitless Northwest, for every hand they dismiss and every producer their ruin effects to come and raise on their own farms luscious fruits, and when they raise them the country has millions of capital to put their products upon the markets in a purer form, or least so represented and labeled that the consumer will be aware of that most important subject concerning their foods. How fresh are they and how were they preserved?

Every substance which can be proven deleterious to health the state food laws command shall not be mixed in the food made and supplied for

human consumption. And every substance about which there is the least question as to its deleteriousness, but concerning which there is not sufficient evidence to prohibit as injurious to health, the people demand the right to judge for themselves as to whether or not they shall eat it. The legislatures have the power to prohibit altogether the use of such antiseptics as they deem necessary, or to require that if certain antiseptics are used they shall not be used in excess of a certain fixed quantity. But in the event of such a regulation it is impractical to legislate concerning all possible idiosyncrasies, and for the reason alone that there might be some individuals who are sensitive to and easily effected by these drugs the manufacturers should be compelled to put upon their goods a label showing the kind and amount of antiseptic used, since there is no other way to determine the presence of the antiseptic, as salt, sugar and vinegar, for example, through the sense of taste.

I must admit, Mr. President, that we are in need of specific information concerning the effects of these antiseptics upon the system. I do know that the use of antiseptics is playing a great part in the food economy of the nation, in bringing, in some instances, delicacies within reach of the limited purse. But we do not understand or know enough about any of the substances which are used to preserve food products, to say that any of them are harmless, or to say that they are perfectly harmless to all individuals even in the lowest quantities in which they can be used to preserve the special food product. Therefore I cannot be a party to permitting any antiseptic to be used without knowledge by the one who consumes the article of food, and I must insist that this knowledge shall be put in a plain label on every bottle or can containing food for human consumption, which may be preserved with an antiseptic, and where the food is in bulk the knowledge must be made known to the consumer with an honest statement of the facts.

Mr. President, the gentleman states in his paper, "While our experiments showed that it is possible to put the catsup up without antiseptics so that it will keep until opened, the fact that it fermented shortly after opening proved the impracticability from a commercial point of view." Discussing this question from the money side, I agree with the gentleman that the use of antiseptics is a great commercial advantage. Their use lessens care and costly risks. When the foods which contain the antiseptics reach the consumer they do not spoil, even though exposed to warm atmosphere and contaminating conditions for three or four weeks; and the public, never stopping to think why such a delicacy does not spoil, buys it more readily than a product without the antiseptic, and buys more of it. This, Mr. Presi-

dent, is the reason why these manufacturers advocate the use of antiseptics, and when they will satisfy us that antiseptics are not used to keep the food product from spoiling when exposed to such contaminating conditions as should make it unfit to eat; when we are satisfied from positive experiments that there is an antiseptic which can be used in a manner that it will not be deleterious to the most sensitive stomach, then we will listen to the commercial side of this question. Until then, our laws demand it, and we must insist, that every food product which is preserved with an antiseptic must be labeled to show that fact to the public. Must be labeled so that the manufacturers of pure goods will be protected and encouraged; must be labeled so that the public will know the reason it does not spoil when it ought to, and can decline it if they wish, and must be labeled so that when we eat at a restaurant, boarding house or hotel we can pay for and demand fresh foods and know that they are pure and wholesome.

In regard to the color question, Mr. President, it will be handled more ably later. I have made tomato catsup myself, and I know that it can be made without the use of artificial color as pleasing in appearance as any artificial color can give to it. If the ripe tomatoes are selected, the rotten places cut from the fruit and the product boiled with care, there will be no need for artificial color. And when the product is put up on the market it can be covered with a wrapper, or, what is better, the grocer can be instructed to keep the bottles in a cool, dark place. Along this subject of artificial coloring I want to make one statement, which I believe to be true. It is this: The American people are paying as much for the artificial color used in their food product as they do for the food itself.

PRESIDENT JONES: Are there other remarks to be made on this subject?

Mr. Frailey: I would like to make a few remarks. I have listened with a great deal of interest to the comments of the gentlemen preceding me and to the gentleman, particularly, who just sat down.

He very wisely says that not only is the subject of preservatives the important question for this Association to decide, but it is an especially important question just now to the manufacturers of food products. There is an almost universal sentiment against the use of preservatives and it practically means that drastic measures against the use of preservatives must be taken and it means the elimination of a large per cent of a certain kind of goods impossible to prepare unless we use some preservative of some kind. Now, take the preservatives admittedly permissible by the Association of Agricultural Chemists—salt, alcohol, wood smoke, etc.—and they are

not adapted to the needs of the manufacturer, at least in our line of business, in the line of business whose manufacturing interests I represent. We could not, as spoken of in the paper of this Cincinnati firm, as spoken of by Mr. Lowden, we could not use sufficient salt, for instance, in the preparation of catsup to preserve it and at the same time leave it palatable.

Besides it is not a question that can be entertained by the manufacturer even though all his catsup could be put up into bottles and would not deteriorate when it was opened. It would be impossible for him to gauge anything like his business wants and needs. He must of necessity put away a certain amount of tomato stock for the purpose of manufacturing these goods later on in the season.

We realize, particularly the manufacturers in the East, that the prejudice against the use of salicylic acid was strong, and probably just, and seven years ago we retired entirely the use of that antiseptic. Since that time we have been using, almost entirely, benzoate of soda. This seems to be drifting into nearly the same position, so far as the food commissioners are concerned, as salicylic acid formerly held.

I think the Commissioner of Pennsylvania last fall suspended a bulletin, temporarily at least (Bulletin No. 80, I believe it was) in regard to the use of benzoate of soda, especially in the preparation of mince meat. But according to a recent bulletin (whether it has been officially issued or not I am not prepared to say), this preservative is not to be allowed after the first of the coming month—August 1. I simply allude to the Pennsylvania Bulletin now because it illustrates the point I want to make.

It is the season right now—the tomato season—and what is the manufacturer to do? He cannot put the tomatoes up without a preservative, and if he uses a preservative he cannot sell the tomatoes. He has got a dead stock on hand. He is "between the Devil and the deep sea." We don't know what to do about it.

MR. HAMILTON: Will the gentleman just allow me to ask whether he means what he has just said—that he cannot put tomatoes up without a preservative? Do you mean tomatoes or catsup?

MR. FRAILEY: I mean the tomatoes for the catsup stock for use later on. We can put up the tomatoes, but I mean the stock to make the catsup later in the season; that we cannot put up without a preservative, for the reason that it is not practical to put up all your catsup in the tomato season.

It is not that the manufacturers are tied to any one preservative. We are prepared to use any preservative that the food authorities will give us the right to use and that they will tell

us we can use. But it impossible for us to prepare catsup or many food products in our line where they are exposed to the air and not use chemical preservatives of some kind.

It seems to me that the effect of preservatives on the human system, so far as healthfulness is concerned, has never been determined by practical experiments. You can get, as I have seen frequently, an opinion from chemists of note and renown that are diametrically opposed to each other on this subject. And we, as manufacturers, are more in doubt, in fact, than the chemists are about it, because we have no scientific knowledge about it. We simply know that we have used the best that has come within our knowledge for that purpose.

MR. SHEPARD: I would like to ask you if it would not be possible for you to preserve your tomato stock in large cylinders which could first be sterilized. It would be a little additional expense, it is true, but is it not a commercial possibility?

MR. FRAILEY: Replying to the question, I would say that it is not possible, because you cannot apply sufficient heat to a large cylinder to reach the center and sterilize it. Take a gallon can, and it requires twice as much steam heat and pressure to sterilize the center of it as it would for a half gallon can. Now you take a receptacle larger than that and you could not apply heat enough to reach the center and heat it thoroughly for the purpose of sterilization. In preparing catsup (I speak of this particularly, because I have had some experience in this) we attempted to put the catsup up in this way in ten-gallon cans; and we found it was impossible to sterilize it.

MR. SHEPARD: I would ask the gentleman a question. Did he apply the heat to the outside of the can?

MR. FRAILEY: Yes; the can was sealed and put into a preserving kettle.

MR. SHEPARD: Would it not be possible to apply the heat to the inside of the receptacle by means of coils?

MR. FRAILEY: How would you make your sealing—after you took your coil out?

MR. SHEPARD: Just leave the coil in.

MR. FRAILEY: Do you mean to say that you would leave the coil in each can?

MR. HAMILTON: Mr. Frailey is thinking of one thing and Prof. Shepard of another. It is a misapprehension. Prof. Shepard, I think, is talking about a large receptacle for the sterilization of these goods, in the shape in which you handle them, and you are thinking, or have in mind, the small receptacle to go out on the market.

MR. SHEPARD: I would say to Mr. Frailey that the reason I mentioned this is because he

has said that it is impossible to store this stock until they want to draw on it, without they use some preservative. I wonder if that argument is good; I wonder if the statement is absolutely correct. I wonder if a little more care in handling the goods—a little more care where you apply the heat to it, would not make it possible. It seems to me by putting it into tanks where you could apply the heat to it—it seems to me the stock might be sterilized by a high degree of heat so that you could keep it until you wished to draw on it.

MR. FRAILEY: Well, even admitting that this is possible, which I am not prepared to do, do you realize that that would mean a storage capacity of at least fifteen thousand fifty-gallon tanks?

MR. SHEPARD: Well, that is merely a matter of detail.

MR. FRAILEY: Rather expensive detail, I think, to us, to carry out this idea advanced by Mr. Shepard.

MR. BLACKBURN: What are you going to do with it after you draw on the stock until it is prepared for the market if you cannot keep it by sterilization until it is ready for the consumer?

MR. SHEPARD: I want to say to Mr. Frailey, if I understood his statement correctly, he claims that he is obliged to sterilize the stock. A large amount—that is, the great bulk of the tomatoes, is gathered—it strikes me—well, I have just been figuring here a little and I have not got my figures out yet—but it strikes me it will take some tremendous large vats. It is a very easy, simple, quick way and a cheap process to throw in some preservative. We will admit that it is the easiest and cheapest thing to do; but is there not some other way? Is there not some better way?

MR. FRAILEY: I should be very glad indeed to know what that other way is, from Mr. Shepard or anybody else. We have not yet learned of it.

Now as to the fact referred to by the gentleman from Kentucky, your Secretary, who spoke about labeling these products and the objection there was to labeling goods because they had antiseptics in them. We do not particularly object if the Food Commissioners require us to state that coloring matter and antiseptics are used in our products. In fact, they are shipping goods into states now that require them to be so labeled. We would not object particularly to stating the percentage which is used, if it had to be done, although it might be a very difficult matter to state what amount was to be found in each particular bottle when the preservative was placed in the tank or barrel and the stock afterward bottled for market.

We do not object, if it is necessary, to putting a composite label on every bottle or package of goods we put out that is not absolutely pure. We do not find in the experience that we have had that the fact of labeling the goods prevents or injures the sale of them, even with such a label as some of the states require—"Artificial," "Colored," "Adulterated." These labels do not injure the sale of the goods, for the people will buy them just the same, no matter what label you put on them, because they seem to them to be delicacies, just as a better grade of the same article or delicacy is to the richer people. We have simply, in making these goods, attempted to cater to a class of people who have not the means to buy these articles and buy them strictly pure. I should not object, and I do not think any of my company would decline, to labeling with a composite label.

What we want is that the various state food authorities, in prescribing the labels we are to use, will try to arrive at something in the way of uniform labeling that we can use everywhere without having to label for each and every state in the Union.

MR. COPE: I wish, for the benefit of the ladies and gentlemen present, and the speaker, to make a correction in regard to the eliminating of the ruling in Bulletin 80. That alone was for the last season's product and it was done for this reason. Bulletin 80 was issued August 1st, after the last year's crop had been canned. Therefore we made the ruling that, so far as regards the use of benzoate of soda in catsup, the law would not be enforced; and as to the ruling of the present—about August 1st—the gentleman is very much in error. That alone was in regard to the use of boracic acid in salt meats. After August 1st the use of boracic acid in salt meats would be prohibited.

MR. FRAILEY: I am very glad to be corrected by the gentleman from Pennsylvania; and do I understand him to say I am in error in saying that any bulletin has been issued, any ruling made after the 1st of August; or is the old Bulletin 80 still in effect?

MR. COPE: There was nothing at all, no ruling in regard to the use of benzoate of soda, except last year.

MR. FRAILEY: There has been no ruling since then?

MR. COPE: No; and last year it permitted you to use it until we had a Supreme Court ruling, and that decision compelled us to prohibit its use.

Now in regard to the quantities being used in catsup, I wish to say that the department secured a sample from each manufacturer of catsup in the state, and after thorough analysis

we ascertained that the amount or quantity of benzoate of soda in catsup was very uniform—that there was generally one-fourth of one per cent.

MR. FRAILEY: To what quantity, Mr. Cope?

MR. COPE: To the usual quantity in the bottle. The bottles are all about one size.

MR. FRAILEY: The bottles you analyzed were about one size? Do you remember what sized bottles they were—pint or quart?

MR. COPE: Yes, sir; pint bottles.

MR. McDONALD: The size of the bottles would make no difference. It was one-fourth of one per cent to the quantity used, no matter what that quantity was.

MR. FRAILEY: I accept the correction.

My recollection was that Bulletin No. 80 did not say anything about the use of benzoate of soda in catsup, but it alluded particularly to mincemeat—I allude to the suspension.

MR. COPE: Oh, no; it did not allude to anything.

MR. FRAILEY: Have you a copy of the bulletin there?

MR. HAMILTON: Mr. Chairman, the bulletin was never suspended. It is in full force. There was one article in the rulings which was suspended in reference to mincemeat, catsup and sweet cider. That was last year, and as Mr. Cope, the Commissioner, stated was done because these things were already on the market, and the ruling was made so late that the manufacturers had not proper notice; and it was out of respect to their rights in that particular that the ruling was suspended, and not because of any doubt in the minds of the food authorities as to its deleteriousness.

If the gentleman will permit me, I would like to make one statement in regard to the use of preservatives.

MR. FRAILEY: Mr. Hamilton can proceed. I am prepared to hear his remarks, and glad to hear them.

MR. HAMILTON: In regard to the use of preservatives, in our state we were brought face to face with this question in a very practical way, in a way which it was impossible to avoid. Some declaration had to be made and we did what I believe all of our states should do. Instead of any individual making a declaration that is going to affect a great industry, and doing that upon his own personal responsibility—our example should be followed. We called into consultation on this question, all the food analysts we had and all of our attorneys and other food experts, and we had a number of meetings. These men were called together at a great expense to the food department of the state, and rules and regulations were considered, item by

item, and they were then prepared or formulated and sent out to these gentlemen later for consideration and criticism; they were then sent back again into the department and these criticisms were incorporated into a new set of statements. The authorities were then called together to consider these newly formulated statements. When, after several meetings of this kind, the final statements (so far as these several questions were concerned) were considered, it was the unanimous judgment of the chemists and attorneys and food experts that the rulings as given, and as published in our bulletin, were sound in law, were proper in practice and would stand the test of the courts, and were in the interests of the public health. Our duty is, first of all, to protect the public health and to protect the public against fraud. I do not understand that the food authorities of the state are constituted for the purpose of promoting the manufacture of any article of food; but that the public have appointed these officials for the purpose of standing between them and the manufacturer, so that articles that are put upon the market, of which the consumer has no knowledge (I mean of the constituents of which the consumer has no knowledge) can be analyzed, and if anything injurious to health is discovered that the manufacturer can be prohibited from practicing that method.

Now it is coming to this, that about all the food products that need preservatives outside of salt, sugar, sirup, wood smoke, saltpeter, alcohol and spices, it is now admitted by the manufacturers, as being possible to prepare and put upon the market without the use of any other antiseptics than those I have named, anything excepting catsup, sweet cider and mincemeat. There are no others, I believe, to-day that the trade cannot preserve without the use of antiseptics, excepting the ones I have mentioned.

MR. BAILEY: Will you please mention those again? I did not get them.

MR. HAMILTON: I mentioned catsup, sweet cider and mincemeat.

Now take the matter of catsup; it is now considered one of the difficult questions. The fact is that it has been admitted here, and it is a fact that cannot be denied, that catsup can be prepared, and is prepared, by sterilizing and by the use of a substance known and of which no mention was made either in the paper that came from the Pure Food Company of Cincinnati or by the gentleman who has just delivered an address—a substance that is an effective method for preservation and has been, I suppose by inadvertence, omitted from the list. The gentleman has spoken of salt, he has spoken of vinegar, but he has not mentioned

spices, which are an ingredient in catsup and which have a preservative effect; and the proper use of the proper spices will do a great deal toward the prevention of the decomposition of catsup even after it is exposed to the air. But up until the time it is opened for use on the table of the consumer everybody now knows that it can be preserved so that it will keep anywhere and any time. So now the question is as to the preservation of the stock up to the time it is necessary to put it into smaller packages for distribution.

The gentleman, of course, will admit (and we all have to admit so plain a fact) that some receptacle has to be used. No matter how much of this material has accumulated in the factory, some kind of a receptacle has to be used, and whether it is large as this room or whether it is smaller, it is still some kind of a receptacle. Now instead of building that receptacle in a temporary way, with open top, suppose we build it so that it is free from access of air; suppose it were to be built like a coal oil tank; or suppose it were built in any way or of any substance so that it would be air tight and so that considerable pressure could be exerted. We know that if the stock is thoroughly sterilized it will be all right until the manufacturer gives it access to the air. Now, then, it seems to me it is simply a question of expense, and we are not here to talk about that side of the question, except that we are not to require impossible and impractical things of the manufacturers. We are here to protect the public health, and if we say to the manufacturer, "You can do this, even though with additional expense,"—and we feel that our position as the defenders of the public health demands that we see to it that what they get to eat is beyond question and of such a character that it can do no possible harm to the health of the consumer—we will only be doing our duty.

If this product can be sterilized in these tanks, or if it can be put into bottles that are sterilized and thus kept until the time of opening for use on the table of the consumer, then, Mr. Chairman, it comes to this, that instead of allowing a bottle of catsup to stand on a restaurant table for six months, to be used from over and over again, and refilled from a can they have somewhere back in a cellar, for a year or more, you will have instead of these large bottles or cans, a small bottle that will be used for a little while, and when it is opened for use for a little while through the day it will, when not in use, be taken and put away, just as you would put any meat or butter, in as cool a place as is accessible; and whether you have fine facilities, or if you have less, it will

be put where it will be cared for as well as possible; and when it does finally ferment you will have lost only a small quantity. If the consumer is buying for a small private family, a very small bottle will answer, if it is a large family he will require a large bottle.

There is nothing which ought to be admitted in a law that will take away the necessity for care of the food product. It should not be allowed to stand on the table, accessible to all kinds of filth, dirt and flies, for months, and then when we come in and buy our dinner for fifty or seventy-five cents, have to eat that kind of stuff.

I think, Mr. Chairman, that it is entirely practical (and more than that, it is done and done on a large scale, and I can give you the name of the firm or establishment that is doing it) to put these goods up without a chemical preservative; and until they show us that it cannot be sterilized in these tanks, and that it cannot be sterilized so it will keep in the bottle or package that goes to the consumer, they are bound to put it up in such packages for the sake of protecting the public health. By doing this they will thereby gain reputation for themselves as manufacturers of pure food, and they will then be entitled to put on the package this label, "This catsup is absolutely pure; it is made from wholesome articles and is free from anything deleterious to health." They need not be afraid of God or man if they are putting out a pure article. I believe it is coming to that, and we ought to help them to hasten the day.

MR. FRAILEY: I must say that Prof. Hamilton's remarks sounded very beautiful to me in theory, but from my own personal experience of a great many years in this business, I do not think it is possible to reduce those theories to practice. In the first place his idea of putting up catsup in small bottles, about the right size to put on the tables of the consumers, to be used up in a short while, before they become affected by the atmosphere, this would add very largely to what I know he will take exceptions at my saying—that is, the expense of producing the article for the market; and it will put it out of reach of a great many consumers. Besides, in the usual restaurant or hotel, what is to prevent a man from buying a large bottle and letting it set there. If a man went in there and paid for his dinner he would not know whether there was anything in it to preserve it or not. So long as it was good he would not care whether it was antiseptised or whether it simply had pure spices in it as a preservative. He would care if it was soured, and it would be soured in a very short time if there were no antiseptic in it.

As to the subject of labeling—I do not object, and my association does not object to the question of labeling; but we do take issue against being thrown headforemost into the question of the elimination of the use of preservatives of some kind just now in the immediate future, until at least some practical experiments have been made to see whether they can be gotten along without.

Mr. Hamilton has referred to a firm who do not use a chemical preservative. I know of but one man who claims that he does make catsup without the use of a preservative. That one man does claim it, and he has a secret that should make him worth more millions than he is. We have never been able to make catsup without a preservative; have always had to use it, and until we have some other light, some better information on the subject, we will have either to quit putting up catsup or we will have to continue to use a preservative.

If Mr. Hamilton were close to me in Philadelphia, I would be glad some time in the interim to discuss this question with him that he may possibly be able to give me some information and convert me and my friends.

MR. HAMILTON: I will be glad, Mr. Chairman, to meet this gentleman or his association at any time on this question, for we want to be together on food questions. We want to do what is right. We want to favor the manufacturers of pure food in every way we can. But we are sworn officers of the law and we have to do some things; and these things are things that the best chemical, physiological and legal experts have declared are right.

MR. ALLEN: Mr. Chairman—During the recent spring I carried out some small experiments in regard to the spoiling of catsup. A very reputable manufacturer told us that he could put catsup on the market and it would keep all right without a preservative, but when it got into the consumer's household and was opened it would spoil; and that then the consumer would not care again to use that catsup. "That is the problem we are up against," he said.

I took two samples of home-made catsup that had kept for over a year (I believe thirteen months) perfectly fresh, and I opened them. One of the bottles I left slightly uncorked as it might be on a restaurant table, in the ordinary temperature of the Kentucky dining room which I might say was about between eighty and eighty-four degrees—or perhaps I had better say a temperature of from seventy to eighty-four degrees—and in four days the bottle of catsup which had been left continually on the table was beginning to ferment. The other bottle was taken after each meal and put in the

refrigerator; and in six weeks (when the last drop of it was gone) it was just as fresh and as palatable as it was when it was opened.

So long as the manufacturers are together on this question, we must admit the use of certain antiseptics. In Kentucky we do. We disfavor the use of salicylic acid. They can use benzoate of soda or benzoic acid, but all we have been prosecuting them for is the violation of the provision of the law which requires them to state plainly and honestly upon the label of each food product what antiseptic they have used in this particular food so that the man in the southern or eastern part of the state, that we know nothing about, can determine and choose for himself whether he wants to use that delicacy which has an antiseptic in it.

I believe in enforcing the food laws by co-operation and not by prosecution. Now that is our position. We admit mild antiseptics and all we ask of the manufacturers is that they be honest with the consumer so that the consumer can determine whether he wants to use these goods, and not the manufacturer; because it is with the manufacturer a business proposition and with the consumer it is a question of his health. And that is our position in Kentucky.

MR. BAILEY: When this question was before our association a year ago in Buffalo a representative of one of the large manufacturers stated there I believe that they had been studying this question—that they had experimented some along this line and that they would know at this time whether they would be successful. Now I would like to know if there has been any report from that firm about putting out these goods without any antiseptic whatever? Mr. Hamilton, they were from your state, I believe?

MR. HAMILTON: There has been no report and no complaints so far as I know, and so far as I know the experiment has been successful.

PRESIDENT JONES: Are there any other remarks along this line?

MR. BAILEY: Yes, Mr. President, just this; if there is one firm in the United States that can put these goods up without the use of antiseptics, so that they will keep, then there is no reason why others should not do the same thing.

MR. PATTERSON: I would like to ask the gentleman who represents his firm what is the name of the firm that puts up this catsup without an antiseptic. He admits there is such a firm, I believe.

MR. FRAILEY: I thought perhaps it was just as well not to mention names.

MR. HAMILTON: Mr. President, I think it is just as well not to advertise.

PRESIDENT JONES: I think at this time we will get along with the program unless there is something to the contrary. Then if we have any time for general remarks along these lines before we close we can take it up again.

The next thing in order, I believe, is an address by Hon. R. M. Allen of Kentucky:

Mr. Allen: In the preparation of this paper I found the theme was great enough for a well needed work. In getting our problems through court we have to dig through all the digests, and I find the question not only one of great importance but one of great magnitude as well.

As it is impossible to cover all the decisions affecting our state food laws I have just grouped them around some certain fixed principles that I think have been pretty well established all over the United States and upon which we can rely.

THE STATE FOOD LAWS IN THE COURTS.

This is a subject which could be better covered in a volume than in the paper. The state food law is becoming the most enforced statute of all the state laws in the states where it has been enacted and its enforcement made the duty of a special executive department of the state. There are hundreds of prosecutions brought under these statutes each year, and against manufacturers who have for several years built a business upon a principle which the statute in some instance deems detrimental to the public health, public purse or to the policy of honest, open competition. The facts upon which such prosecutions are brought, the constitutionality of such statutes and technical errors in the trial have brought the state food law again and again to the bar of the Appellate Court and many times to the notice of the Supreme Court of the nation.

From these decisions we can gather sufficient precedents to establish certain principles. A compilation of these decisions could not be contained in a paper, and in fact all the principles which they have established would be the work of a much needed author. But there are, however some questions which the commissions meet in each court, which are made the grounds for demurrers to indictments, and questions affecting these principles which warrant the authority upon which our daily work is carried on. These statutes besides providing for the punishment of wilful frauds, also provide for the restriction of ignorance and carelessness in the profession which of all others touches life the closest, and when a prosecution is made against negligence there is always the demurrer that the defendant was ignorant of the fact that the food he sold was adulterated. Again it is demurred that the article was not adulterated with a substance injurious to health, or, if so, that the sub-

stance complained of was not contained in an injurious quantity.

Another point of most importance is the relations between the police regulation of the manufacture and sale of foods and the interstate commerce laws. The state food law regulates the manufacture and sale of all the foods and drugs and drink within its borders. These commodities are shipped from State to State and the laws must be in harmony with the national interstate commerce laws. Again, foods are property, property has rights, and the principles of law protecting and restricting the uses of property affect the enforcement of these laws are too many and too intricate to be but touched. As are also the relations existing between master and servant and the responsibility of parties and persons and corporations for the possession and sale of goods.

COMMON LAW—SALE OF UNWHOLESOME FOODS ILLEGAL.

The reasons for the state food laws are many. They are "justified by necessity," and sanctioned by that unquestioned, fundamental right of the State to provide for the protection and preservation of health. Before these statutes were enacted it was an indictable offense to mix anything in the food made and supplied for human consumption which would be unwholesome and deleterious to health, and the wilful adulterating, or knowingly permitting servants to mix unwholesome ingredients in foods were considered acts dangerous to the public health and life and constituted a public nuisance. (Stephen's Dig. Crim. Law 127.) It has also been held an indictable offense to bring to or expose in the public market any article intended for human food or drink, knowing the same to be unfit for the purpose intended. (Comm. N. C. v. Norton, 2 Ired L. 240; Wharton's Criminal Law 2387.) The wilful exposure, in open market, of unwholesome articles intended for food is held to be indictable under the revised statutes of Missouri, prescribing punishment for offense at common law. (Mo. State v. Snider, 44 Mo. App. 429.) It is held to be an indictable offense at the common law to sell unwholesome provisions to be eaten by man. (State v. Smith, 10 N. C. 378), in (State v. Norton, 24 N. C. 40), and this latter also holds that to support an indictment for knowingly selling unwholesome provisions, the provisions sold must be in such a state or condition that if eaten they would by their deleterious quality have affected the health of those who were to have consumed them. A statute making it an offense to sell the flesh of a diseased animal also punishes the sale of an animal for slaughter which is affected with a disease before it is killed. (Comm. v. Horn, 13 Pa. St. Rep. 164.)

The food laws are the development of the last century, and the present food laws are the work

of very recent years. As cities have grown up on the continent needs for a police control of the water, dairy products, meats, fruits and fish have caused the legislatures to grant to city corporations, and these corporations to enact strict ordinances calculated to restrict the pollution and contamination to which these foods are most susceptible in the city's surroundings. As trades in the production, manufacture, commerce and sale of foods have grown these offenses or wrongs against the "public peace," "public trade," "public health" and the "public police or economy" have become the subject of widespread legislation in connection with the food problems; for it has been realized that not only is it of greatest importance to protect the health of the people from deleterious food, to punish fraud and restrict carelessness in the manufacture and sale of foods; but that in order to best accomplish these ends this trade or profession should be protected or restricted by such laws as will give honest markets to honest toil and encourage the production and sale of the highest grades of every article which is intended to repair the wastes of energy and supply the tissues of life.

The state food laws were first intended to prohibit the sales of foods injurious or in such a condition as to be injurious to health. These statutes are very strict in prohibiting the sale of foods thus adulterated, and the courts have in all instances upheld them. It has also been many times held that it is no defense to plead some other purpose for having added such injurious substances to foods, or to plead that the injury which attended or might attend the addition of such harmful substances was not the intent of the defendant. This class of adulteration has been restricted so rigidly that it is growing more and more less noticeable, except in the use of certain antiseptics and coloring matters the injuriousness of which is still at issue. It is, however, being contended that a non-injurious quantity of the adulterant added should not constitute an offense under the statutes prohibiting these substances. In (*Comm. v. Kevin*) a recent Pennsylvania case the court held: "It is not the quantity but the nature of the substance which the act prohibits."

The frauds in the food business were the next subject to be considered by the legislatures and the statutes were extended so as to restrict or give publicity to all imitations and harmless but cheaper and inferior adulterations in the food business. Then in order to enforce these statutes the element of intent was eliminated and the statute was further extended to restrict the ignorant and careless in this as it has been found necessary to do in other professions. These laws are again being carried to the bar of the highest courts with the demurrer that the State has no

right under its constitution to make such prohibition and restrictions of foods not injurious to health; but the courts have most emphatically upheld these later principles, as will be seen from some following decisions.

FRAUDULENT ADULTERATIONS.

The problem of our work is the fraudulent adulteration. The food business has been invaded by those who cheapen and imitate the standard foods with little regard to the food value of the article which they put upon the market. Chemists bring their new, untried flavors, colors and oils to the manufacturers' mart and find millions of ready capital to color their discovery into a compound which is put upon the market on the reputation, and under the name of some well known food which has been tested as a food and advertised upon its own merits for a century. There is no doubt that these new substitutions have done much to make the food for the public cheaper, and that among these discoveries are some excellent food products and perhaps some new methods for preserving foods which will revolutionize the food industry in many ways. But the work now before us is building the fire to burn the dross. To get these substitutions upon the market at their market value so that they will be of as much value to the people as to the one who discovered and makes use of them, and to give such publicity to all these products that not one single valueless substitution or imitation will remain as a parasite drain upon the earnings of honest labor.

In the manufacture of preservation of food products there are many by-products and the utilization of these by-products so as to convert them into profits is considered a "business proposition." Such a proposition as in the steel world would be thoroughly investigated by the railroad or other industry before it was made use of; but which in the food world is imposed upon an unsuspecting public who must protect themselves by a governmental department authorized to investigate the food value and healthfulness of such articles of food.

Again the standard foods are preserved with antiseptics to meet the climatic and sanitary conditions through which they must pass from the factory to the consumer, and their lost colors and flavors are artificially restored to meet the demands of the eye and appetite. Antiseptics may have a place in the preservation of some foods which must encounter conditions which make cold storage and refrigerators, or even clean store rooms impossible; but their present use is too extensive, too reckless and too dangerous to health. The frauds in the food business are hurtful, unjust drains upon honest production and the public purse, and although artificial color of a harmless character has a legitimate use in foods

in most instances the American laborer is paying as much for the infinitesimal of artificial color added as he does for the food itself, and by the means of the antiseptic and the artificial color it is often made impossible for the consumer to know the freshness and food value of the article which he eats each day believing it to be genuine.

The legislatures have attempted to either regulate or prohibit these conditions. The prohibitory measures and such restrictive provisions as are aimed at the means by which the fraud is practiced have been strongly contested, on the grounds that State enactments which regulate the sale of articles patented under the laws of the United States by the prohibition of the sale of articles which contain nothing deleterious to health are in violation of the rights of United States citizens and consequently are unconstitutional. This doctrine has been upheld in the case of *Leisey v. Hardin*, 135 U. S. 100, containing a number of citations substantiating the opinion of the Court. But the contrary doctrine, that the State has a right to protect itself against articles of food introduced or sold within its borders and so prepared so as to deceive the public has been established. Various enactments of Congress are in support of this doctrine, for example Section 3243 of the Revised Statutes of the United States says: "The payment of any tax imposed by the internal revenue laws for the carrying on of any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for the carrying on of the same within the State, or in any manner to authorize the commencement or continuance of such trade or business in violation of the laws of that State or in places prohibited by the municipal law."

The majority of the justices have held that the States have the right to enact such legislation as will prevent frauds in the manufacture and sale of foods, and whether this legislation shall be of a character to prohibit or regulate, it is considered within the power of the legislative function of the government to decide. Along this line there seem to be two schools of judicial thinking. Some Justices, among whom are Chief Justice Fuller, deny that the States have the right to make a wholesome article of food the subject of prohibitory legislation, notwithstanding it is put in a condition to deceive the purchaser, and they further deny that the States have the right to prohibit the use of some harmless ingredient in the making of one article of food and permitting its use in another notwithstanding the fact that such ingredient is the cause of the fraud in the sale of this particular article of food, contending that legislation should be so constructed as to regulate with a provision requiring the manufacturers to mark and brand the substance with

its own name rather than to prohibit its sale or prohibit some harmless ingredient from the making of it. These thinkers hold that there may be a part of those who are carrying on the business made the subject of legislation who do not attempt to deceive the public in the sale of their part of the product, and that it is unjust to them to prohibit the sale of the product or restrict such ingredients from the making of it as with them is not intended to deceive the public, but to make their article attractive with the full knowledge of the character of the article made known to the consumer.

Such opinions are theoretically correct, and there is no doubt that prohibitory legislation of the class above works an injustice to a part of those who are honestly engaged in the manufacture of the article made the subject of prohibitory legislation. But the question at issue is, whether or not the States have the right to prohibit the opportunities to practice a fraud which the milder restrictions of the police power have failed to regulate to a basis of honesty. Those who have experienced the burdens of enforcing the food laws in the different States have asked for prohibitory legislation for several products, which, by their illegal sale and hence unjust competition have been found to work a harm to some honest food industry; for examples the prohibitory measures concerning colored oleomargarine in all the States; the coloring of grain and acid vinegar in some sections, and the prohibitory laws concerning imitation fruit products particularly in the Northwest. The prime reasons for such legislation in these sections has been the unjust competition to the rival industry upon which the substitute product is infringing; hence the universality of these laws against oleomargarine because of the large dairy interests in all the States; the prohibitory laws concerning imitation fruit products where this industry is extensive and so on. But when the substitute which has been legislated against asks for the protection of the Courts it has against it the sanction of the people, which by its illegal sale it has necessarily been deceiving, and consequently it is held against it that the right to make its goods attractive with some ingredient used by other similar food industries, or even the right to sell the imitation has been forfeited by the deception which the owners of the article have been tempted by larger and illegal profits to practice upon the public. There, however, stands the fact that many of these newly discovered food products are of much importance to the food economy of the land. They are in many instances healthful and can be made of great value in supplying at a smaller cost the elements required in the daily diet. The prohibitory measures against them can only remain temporary, until the owners and dealers are

taught that their product should be put upon its own merits, under its own name and thus await the time until its merits can be judged of by the public when it will have a reputation and market value of its own.

The prohibitory forms of legislation have been enacted in most of the State food laws, and their right to enact such legislation has been established in the Courts, not only such legislation as is aimed at the prohibition of adulterations, but such as is intended to protect the public from fraud in any form whatever, in the manufacture and sale of foods. Mr. Justice Harlan, who supports this way of judicial thinking, in handing down the decision in the much quoted Plumley case, says: "And yet it is supposed that the owners of a compound which has been put into a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life are protected by the constitution in making a sale of it against the will of the State in which it is offered for sale, because of the circumstance that it is in an original package and has become a subject of ordinary traffic."

* * * "A State act forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States nor in any just sense interfere with the freedom of commerce among the several States."

The laws concerning the wells used by bakers in Louisiana well illustrate this prohibitory principle in legislation. In this State a statute was enacted which prohibited all bakers from sinking wells on the premises where a bakery was located. Before this statute was one prohibiting the bakers from using unwholesome water in bread making, leaving enforcement of this act to inspection. It was found, however, that to stop the use of unwholesome water even to a safe degree it was necessary to keep an inspector at the bakery all the time. An another act was passed prohibiting the sinking of a well near the bakery. The state court upheld the statute as a valid exercise by the State of its police power, and said: "Legislation which affects alike all persons pursuing the same business, under the same conditions, is not such class legislation as is prohibited by the constitution of the United States. (*State v. Schlemmer*, 42 La. Ann. 1116.)

Laws regarding the manufacture and sale of oleomargarine have been frequently before the State courts and from these decisions there are a number of cases which can be applied in support of the prohibitory principle of legislation with regard to frauds in the food business which are not deleterious to health. Among them can be noted: "A State is not bound to furnish for imported articles a market, nor to abstain from the passage

of any law which it may deem necessary to guard the health and morals of the people" (License case, 5 Howe 504). In the Metropolitan Board of Excise against Barrie in New York the Court holds: "A State is not sovereign without power to regulate all of its internal commerce as well as its police. It is a bold assertion at this day that there is anything in the State or United States Constitution, conflicting with or setting bounds upon the legislative discretion or action in directing how, when and where a trade shall be conducted in an article intimately connected with the public morals, public safety or public prosperity; or indeed to prohibit and suppress such traffic altogether if deemed essential to effect those great aims of government."

In the well known case of Palmer against the State of Ohio it is held by the Court that: "For the purpose of affecting the public welfare the legislature has the power to regulate or forbid the sale of patented articles to the same extent as articles not patented, if no discrimination is made. (*Palmer v. State of Ohio*, 39 Ohio 236.) Again the broad doctrine is established that the State has the right to regulate or prohibit the sale of such articles of food as the legislative function of the government shall in its wisdom deem necessary to regulate or prohibit. (*Powell v. Penn.* 127 U. S. 678; *Walker v. Penn.* 127 U. S. 639.) The New Jersey court sustained the validity of a statute which prohibited the sale of oleomargarine colored with annato. It being argued against this statute that oleomargarine colored with annato was a wholesome article of food the sale of which could not be prohibited. The Court held that: "If the whole basis of this statute was the protection of public health, this objection would be pertinent and might require us to consider the delicate questions whether and how far the judiciary can pass upon the adaptability of the means which the legislature has proposed for the accomplishment of its legislative ends. But this provision is not aimed at the protection of the public health. Its object is to secure to dairymen and the public at large a fuller and fairer enjoyment of their property by excluding from the market a commodity prepared with a view to deceive those purchasing it. That the legislature may repress such counterfeits does not, we think, admit of substantial questions. Laws of like character have of late year been frequently assailed before the Courts but always without success. (10 N. J. Law J. 25, In re Powell.)

The Minnesota Court says: "As respects the rights of citizens to engage in and conduct industrial pursuits, these privileges are to be enjoyed in subordination to the general public welfare, and all reasonable regulations for the regulation and promotion thereof are within the power

of the State to provide." (Butler v. Chambers, 38 Minn. 308.)

In the following cases it is held that a State law prohibiting the manufacture and sale of substitutes for butter are within the exercise of the police power of the State and are constitutional:

(Cook v. State Ala., 110 Ala. 40, 20 South 360.)

(State v. Addington, 77 Mo. 110.)

(People v. McGann, N. Y. 34 Hun 358.)

(Comm. v. Powell, 1 Pa. Co. Ct. Rep. 94.)

In the following it is held generally that the police power of the State extends to the prohibition of the sale of articles imitative of food substances though they are not injurious to health:

(In re Brosnehan, 18 Fed. 62.)

(Powell v. Pa., 127 U. S. 678.)

(Walker v. Pa., 127 U. S. 69.)

(State v. Snow, 81 Iowa 642; 47 N. W. 77; 11 L. R. A. 355.)

(Pierce v. State, 62 9Md. 592.)

(McAlister v. State, 72 Md. 390; 20 Atl. 143.)

(Comm. v. Evans, 132 Mass. 11.)

(Butler v. Chambers, 36 Minn. 39; 30 N. W. 308.)

(State v. Alesen, 50 Minn. 5; 52 N. W. 220; 36 Am. St. 620.)

(Wiedeman v. State, 55 Minn.; 56 N. W. 688.)

(State v. Campbell, 64 N. H. 402; 13 Atl. 305.)

(People v. Cipperly, 101 N. Y. 634; 4 N. E. 107.)

(Walker v. Comm. Pa., 11 Atl. 623.)

(Pa. Comm. Paul, 24 Atl. 78.)

The New York State law prohibiting the coloring of vinegar was held to be a valid exercise of the police power of the State, even as applied to artificial coloring not injurious in any way to health. (145 N. Y. 105; 39 N. E. 823; 45 Am. St. R. 595.)

Laws which prohibit the sale of milk adulterated with water, though the water be of the purest quality have been declared valid, as will be seen in:

(State v. Campbell, 64 N. H. 402.)

(People v. West, 106 N. Y. 203.)

(Polinsky v. People, 73 N. Y. 65.)

(State v. Graves, 15 R. I. 208.)

(Comm. v. Wetherbee, 153 Mass. 159.)

(Comm. v. Wait, 11 Allen 264.)

(State v. Marshall, 4 N. H. 549.)

POWER OF LEGISLATURES TO REQUIRE AND PRESCRIBE THE LABELING OF ADULTERATED ARTICLES OF FOOD.

The State food laws prohibit the use of harmful materials in the manufacture of food products, leaving it with the Court upon the testimony of witnesses to decide whether or not the substance complained of is injurious to health. But it happens that often men, for various reasons, differ

in their opinions as to the harmfulness of the color or antiseptic or filler complained of. These laws for example prohibit "Poisonous ingredients which may render such articles an contain them injurious to health." Under this provision any antiseptic or coloring matter which could be proven poisonous or deleterious to health could be prohibited. Under the doctrine of the above list of decisions showing that the legislature has the right to totally prohibit the use of any ingredient in the manufacture of food products, the prohibition of coloring and antiseptics in all food products could be maintained. The legislatures have not deemed it wise to prohibit the artificial coloring of all food products, leaving the subject of deleteriousness and deceit to be passed upon by the judiciary. However, should the judiciary be in doubt, or from the evidence not able to determine, then the public should be permitted to decide for themselves as to whether or not they desire to eat foods colored with certain colors and containing certain antiseptics, by causing such information to be given concerning the article to be eaten as will acquaint the consumer with its true character. Such a regulation is for several reasons better than a total prohibition of the harmless ingredient, and where it can be enforced should always be chosen rather than total prohibition.

The Kentucky law for example provides that "my article of food which is adulterated within the meaning of the act, but which does not contain any added poisonous or deleterious substance can be manufactured and sold if the same shall be plainly labeled "Adulterated," or labeled, branded or tagged so as to show the exact character thereof. Such a provision it seems could not be questioned by any honest manufacturer. For the rights of the consumer to know that his foods are artificially colored, that they contain antiseptics, or that they contain useless fillers, that they are imitations or in any way are not pure certainly cannot be denied. And what reason can be given, other than the illegal profits from the sale of an inferior article of food on a reputation superior to it, why manufacturers should not brand their food products so as to show to the consumer the true character of the color or flavor and method of preservation, and the food value and exact character of the substance from which the article is made.

The Minnesota Court held, that an act regulating the sale of lard and lard compounds and substitutes, and of foods prepared therefrom, by prescribing a form of label, was a legitimate exercise of the police power. Saying in the decision "that no man has the right to keep secret the composition of a substance which he sells as an article of food." (State v. Alisen, 50 Minn. 5.)

The Massachusetts Court decided that the leg-

islature had the power to regulate the sale of compounds, and said: "We know of no good reason therefore why laws for the suppression as well as for the regulation of the sale of compounds cannot be sustained." (*Comm. v. Evans*, 132 Mass. 11.)

A Pennsylvania statute regulates the sale of adulterated articles by providing that they shall be labeled or sold so as to advise the consumer of the real character of the article. The State Court held that the statute was validly construed to prohibit the sale of a mixture of ground cereals and coffee as "Coffee Compound." (*Stephens v. Wildmar*, 5 Pa. Rep. 104.)

Exposing oleomargarine for sale in its original package marked on the top and bottom and side as was required by a Massachusetts statute regulating the sale of oleomargarine, but having the top removed so as to expose to view its contents which were to be sold from the tub in retail quantities is not a violation of the statute. For the statute does not say that under such circumstances the package shall be kept covered. (*Comm. v. Bean*, 148 Mass. 172.) Another Massachusetts statute requires the keepers of boarding houses and restaurants to notify the guest of the use of oleomargarine and that the substance furnished is not butter if such be the case. Held by the Court that it is not sufficient to put in a restaurant conspicuous signs reading: "Butterine used only here," and to print on the bill of fare, "Only fine butterine used here," when it is evident that the guest to whom the substitute butter was furnished did not see the sign nor did he read the statement on the bill of fare. (*Comm. v. Stewart*, 159 Mass. 113; 34 N. E. 84.)

It is held not to be a compliance with a Massachusetts statute, which requires wagons peddling oleomargarine to have on each side a sign, "Licensed to sell oleomargarine," to place the placards bearing this sign on the inside of the wagon. (*Comm. v. Cramm*, 158 Mass. 218.)

As to what constitutes notice to purchaser or public, see also: (*Comm. v. Russell*, 162 Mass. 520; 39 N. E. 110); (*Bayless v. Newton*, 50 N. J. Law; 21 Vroom 549); (*Comm. v. Smith*); (*Comm. v. Haugh*, 1 Pa. Dist. Rep. 51.)

ELIMINATION FROM THE LAWS OF THE ELEMENT OF INTENT, AND IGNORANCE OF ADULTERATION.

The laws and decisions affecting the professions of medicine and pharmacy should be applicable to the food profession, for the ignorant and careless should be no more restricted and kept out of the former than they should be from the profession of handling the people's foods.

Mr. Blackstone says in his enumeration of private wrongs and their remedies: "Injuries affecting a man's health are where, by unwholesome practice of another, a man sustains any apparent

damage in his vigor or constitution. As by selling him bad provisions and wine; by the exercise of a niesome trade, which affects the air in the neighborhood; or by the neglect or unskilful management of his physician, surgeon or apothecary. For it hath been solemnly resolved that mali praxis is a great misdemeanor and offenses at common law whether it be for curiosity and experiment, or by neglect; because it breaks the trust which the party had placed in his physician and tends to the patients destruction. Thus also in civil law neglect or want of skill in physicians or surgeons, 'culpa adnumerantur, veluti si medicus curationem dereliquerit, male quempiam securerit, aut perperam ei medicamentum dererit.'

"The law implies a contract on the part of a medical man as well as those of other professions, to discharge their duty in a skilful manner, and the law will grant redress to the party injured by their neglect or ignorance." (1 Saund. 312, n 2); (1 Lid. Raym. 213, 214); (Reg. Brevium 205, 206); (2 Wils. 359); (8 East 348).

"Though the law does not in general imply a warranty as to the goodness and quality of any personal chattel, it is otherwise with regard to food and liquors, in which, especially in the case of the publican, the law implies a warranty." (1 Rell Abr. 90, pp. 1, 21, 2); (2 East 314.) See Sharswood's Blackstone Book 3.

Every profession has some statute enacted at the instance of the members of that profession, or at the instance of the people or of both, to restrict the ignorant and careless who desire to engage in the profession and making those who practice it, to the extent of their best skill and ability, responsible to the public for the health and lives and interests intrusted to their professional skill. The doctor must show that his training justifies his assuming to use the surgeon's knife or assuming to administer potions to sickness and pain before the law will permit him to practice the profession. And after permitting him a license to so practice he is responsible for any undue carelessness or lack of knowledge in the use of his knife and prescription whereby life is endangered and destroyed. The law in the same way regulates the profession of pharmacy, because of the great danger to the public if a druggist, ignorant of his profession should attempt to label and select the pellets and poisons of which the purchaser knows but little except that the drug soothes his ills. Of course in every profession there are those whose skill soars above the comprehension of the statute's standard, and the statute then encourages and protects this skill, as well as protecting the public against the practice of the unskilful.

Is the food business a trade or a profession? In some details of its commerce it is a trade,

but certainly those who mix the compound, and those who by their engaging in the retailing of it guarantee it to the public should have some responsibility attached to their actions in a trade, profession or business of so much importance to the health of the people. Calling it a profession, upon what profession does the health of the people depend more than upon the food profession? The disease is doctored; the lost appetite is stimulated; indigestion is aided by the skilful attendance and applications of the doctor and druggist. But what of the cause of it all? Unwholesome foods and adulterated rectified liquors, whose food value and inferiority were concealed to the public, and concealed with colors and antiseptics and fillers and poisons, valueless as foods and deleterious to health. The food profession is patronized every day by every one of our eighty millions, and in no profession should fraud be jailed, and ignorance and carelessness restricted and punished more than in the profession of those who mix what they guarantee to be good and wholesome, or from their shelves and over the counter recommend it to the public as food.

The dealer in most States is held responsible for the purity and condition of the foods which he may sell, and ignorance of their being adulterated is no excuse at law, and absence of intent does not release the violator unless it be made a part of the offense. The legislatures have recognized that ignorance and carelessness in the food profession are a menace to health which must be restricted and punished. And to add to these reasons, it is almost impossible to enforce a law which does not hold each dealer responsible for a knowledge of the purity and quality of the foods which he sells. The Courts have held that legislatures have the power to eliminate the element of intent from the offense designated by the statute in the food laws; but they have also held that where intent has been made an element of the offense there can be no conviction without proof of intent.

The Michigan Court holds: "As a rule there can be crime without criminal intent, but this rule is not universal. One may be guilty of the gross crime of manslaughter, when his only crime is gross negligence. In police regulations the element of negligence becomes a violation if the statute omits guilty knowledge from the element of the offense. In most trades and professions it becomes necessary to protect the public from the harm negligence and ignorance can bring, by requiring a degree of diligence which will render violation impossible." (People v. Snoberger, Mich. 71 N. W. 497.)

The Wisconsin Court holds: "When a statute does not make intent an element of offense, but commands an act to be done or omitted, which in the absence of the statute might be done or

omitted with culpability, ignorance of the fact or state of things does not excuse the violator." (State v. Hartwell, 24 Wis. 60.) The Rhode Island Court holds in passing upon a similar statute "That the seller must take upon himself the risk of knowing that the article which he offers for sale is not adulterated." (R. I. State v. Smith, 10 R. I. 260.) The New York Court has even held further that ignorance of, and the fact that the defendant had proven the fact of carefulness that the food sold should not be adulterated, was no excuse for the defendant's guilt (106 N. Y. 321.) The Michigan Court in construing a statute relating to the killing of calves for veal under a certain age holds: "The killing and sale of a calf under a specified age is prohibited, and there may be a conviction though the party may be ignorant of the calf's age." (People v. Welch, 71 Mich. 548); (Comm. v. Raymond, 97 Mass. 567.)

Held, under statutes regulating the sale of milk and eliminating guilty knowledge or intent from the element of offense, that the selling of adulterated milk was a violation though the vender was ignorant of the adulteration, and even when he was selling it on the statement from another that the milk was pure, and as he received it from the producer.

(Comm. v. Faren, 9 Allen 489.)

(Comm. v. Holbrook, 10 Allen 200.)

(Comm. v. Wait, 11 Allen 264.)

(Comm. v. Smith, 103 Mass. 444.)

(Comm. v. Nichols, 92 Mass. 199.)

Under a New York statute punishing the sale of adulterated milk the Court holds that it is not necessary to constitute the offense that the seller had knowledge of the adulteration. The act providing that the doing of anything prohibited by them is evidence of the violation and a wilful intent to violate them. (People v. Schaeffer, 41 Hun 23.)

The Ohio Court holds, that under the provisions of the Ohio statute prohibiting the sale of adulterated articles of food it is not essential to conviction that the defendant should have a guilty knowledge of such adulteration.

(Blissman v. State, 9 Ohio Cir. Ct. Repts. 714.)

Myer v. Ohio State, 10 O. Cir. Ct. R. 286) with reference to agent selling adulterated wine.

(Myer v. State Ohio, 30 O. Dec. 198.)

(Stronge v. State Ohio, 3 Ohio Dec. 284.)

State v. Kelly, 54 Ohio St. 166; 43 N. E. 163.)

With reference to oleomargarine statutes, eliminating the element of intent from proof of violation, Courts have held that ignorance of the fact that the oleomargarine was colored was no defense.

(People v. Mahoney, N. Y. 41 Hun 26); Newton v. Connell, 9 N. J. Law 316.)

(Comm. v. Weiss, 139 Pa. St. 247; 21 Atl. 10); (Waterbury v. Newton, 5 N. J. L. 534.)

The Ohio Court in the case cited above, *State v. Kelly*, 43 N. E. 163, remarked "If the statute had imposed upon the state the burden of proving knowledge of adulteration, it would thereby have defeated its declared purpose."

There have been a number of decisions on the other hand holding that intent to violate the law must be proven where the statute makes this an element of the offense, as for example in:

(*State v. Schmidt*, 78 Ind. 41.)

(*Comm. v. Flannelly*, 81 Mass. 195.)

(*State v. Snyder*, 44 Mo. App. 429.)

(*Verona Central Cheese Co. v. Mentaugh*, 50 N. Y. 314.)

(*Teague v. State*, 25 Texas App. 577; 8 S. W. 667.)

While there has been no case decided holding that the legislature has not the power to eliminate guilty knowledge from an element of the offense in the food laws, and while the legislatures have enacted this police power into most of the food laws, still the executors of the State laws should regard this power as a last resort in many instances. For where it is evident that the grocer or manufacturer is not wilfully violating the law, it seems an unnecessary hardship to bring the fact of his violation to his attention through the public Courts. Especially when by a mere mention of the facts and law to him his co-operation could be obtained for a compliance with the law's provisions on his part and his support won for a general regard for the law wherever his influence extends. In the smaller towns of our States we find grocers who are the leading citizens in their communities in many things outside of their profession, who are generally seeking to know the best goods to recommend to their customers, and who rarely if ever violate the law with a guilty knowledge. Ignorance or honest mistakes on the part of such dealers can be met outside of the Court. It is where the plea of ignorance that the article is adulterated is made dishonestly that the law protects itself and the public by eliminating guilty knowledge from the offense, and such defendants merit nothing less than the full fine and imprisonment for their violations.

The first food law enacted by the Kentucky legislature with provision for its enforcement was enacted in 1898. This law made guilty knowledge an element of the offense, with the result that the burden of proving intent rendered the law practically invalid. In 1900 the law was amended by eliminating this element from the offense. It was contested in the Louisville Circuit Court, and Judge Henry S. Barker, now on the Appellate bench of the State, ruled "That it is immaterial whether or not the defendant knew that the article was adulterated."

RESPONSIBILITY FOR THE SALES MADE BY AGENTS.

A dealer is held responsible under the law both for the penalty, and for damages to private individuals for the sales of foods made by his agent or clerk, when the clerk is acting within the authority given him by the principal, or within the authority given him by reason of his position. This principle is held in the relations between man in all the actions and industries of life; but it is especially true with regard to the sale of foods, since the health of the public and of the individual is held to be a subject worthy of the strictest provisions of police control. Under a Massachusetts statute a dealer was indicted for selling a glass of milk which was found to be below the standard set by the statute, and which was sold by the owner's clerk over the counter of a cafe. The State Court sustained the conviction of the lower Court holding that the law prohibiting the sales of adulterated milk not only applied to sales within a cafe, but that the owner was responsible for sales made by his servant, "although he was not present and did not consent to or know of the transaction, or of the particulars of the sale, the servant not acting in violation of orders." (*Comm. v. Veith*, 155 Mass. 216.)

The Tennessee Court holds: "When one is engaged in the business of furnishing provisions for market, he will be criminally liable for the acts of his agents in selling noxious provisions, the conditions of which he might have by due care ascertained." (*Hunter v. State*, 38 Tenn. 160.) The same was held in (*Newton v. Reed*, 10 N. J. L. J. 175), in (*Verona Central Cheese Co. v. Mentaugh*, 50 N. Y. 314), and (*Harvy v. Newton*, 52 N. J. Law 369; 19 Atl. 193.)

The New Jersey Court holds "that where an unlawful sale is made by one member of a partnership, in the course of the partnership's business, the partners are jointly liable to the penalty" (*Bayless v. Newton*, 50 N. J. Law 549, 18 Atl. 77).

PURPOSE OF SALE.

Under an Ind. statute, which provides a penalty for the sale of diseased animals, it was held by the court that to constitute an offense the meat must be sold for food (*Schmidt v. State*, 78 Ind. 41).

It is held that the use to which the purchaser intended to put the veal is not an element in an offense punished by a Mass. statute forbidding the killing or selling of veal from a calf under a certain age (*Comm. v. Raymond*, 97 Mass. 567).

Held in a case under a Missouri oleomargarine statute that the averment for selling the oleaginous substance unlawfully "must state that it was sold for food" (*State v. Fayette*, 17 Mo. App. 587).

Held in the N. Y. court, that upon an indictment for selling unwholesome beef, it is not in error for the judge to refuse to charge the jury

that "if they found that the beef was bought as an article of merchandise and not for a domestic consumption they must acquit" (*People v. Parker*, 38 N. Y. 85, 97 Am. Rep. 774).

The Pa. courts decided that in an action to recover the penalty imposed by an oleomargarine act, that the case stated but failed to allege that the oleomargarine sold as an article of food was defective.

(*Comm. v. Callahan*, 12 Pa. Ct. R. 170.)

(*Same v. Scholenberger*, 1 Pa. Dist. R. 437).

(*Same v. Schmidt*, 13 Pa. Co. Ct. R. 28).

OTHER DECISIONS.

Many other issues arising out of the enforcement of the food laws have been brought before the courts, and all the decisions concerning them have given the state food laws the strongest support. The decisions mentioned above have established the main principles of our laws as necessary and just. In civil actions under the operation of these laws many points have been brought before the courts in actions for penalties, in injunction suits to restrain violations, in actions for the authority to condemn and destroy adulterated articles, in civil liabilities for injuries and in actions for the recovery of the price of goods illegally sold. Also in criminal prosecutions, points as to the indictment or information, as to what constitutes proper evidence and legal technicalities in trial and review have occasioned some decisions which, however, are of importance to the legal fraternity principally, who must necessarily be employed to conduct the actions and prosecutions in the courts.

But our laws, while punishing the frauds and restricting rigidly the ignorance and negligence in the food business, with equal power protects every honest interest in, and encourages every honest effort to build up food industries and encourage the education of a food profession. Foods are property and property has rights before the law, and under acts authorizing the destruction of contraband goods the burden is upon the law to prove that such goods are adulterated. The Colorado court holds that an act authorizing the Food Commissioner to condemn and cause to be destroyed food and substances intended for food and drink whenever satisfied that its consumption might be injurious to public health does not authorize the condemnation of such substance "except under ordinary circumstances, upon a trial before a regularly authorized tribunal, in a proceeding in which the person himself is a party whose goods are to be destroyed, in which the burden of proving the charges is on the complainant, and in which full opportunity is given the adverse party to make his defense" (*Nunn v. Corbin*, 8 Col. App. 113, 44 Pac. 783).

OUR POWERS UNDER THE LAW AND OUR POLICIES IN ENFORCING IT.

Under its sovereign power and sacred duty to protect its citizens against all dangers to health and all frauds against the earnings of honest labor the courts have ruled that the state has the right to even exclude from its markets all food substances which may be adulterated, so as to mislead the consumer or which may be injurious to health. Under this power it has the right to punish fraud, ignorance and negligence and to hold all who make and sell foods responsible for the purity of the article which they put upon the public's table. Whatever frauds or adulterations have become public annoyances or injuries, or of their character threaten to become so, this police power has been invoked to regulate or prohibit, and whatever conditions are yet to present themselves this power will be found infinite to suppress.

The food legislation of the future will be directed toward the cause of the adulteration, with a view to check the fraud in its incipency, or to remove the cause altogether; rather than watch with inspection and endeavor to restrict the fraud after money has been invested and men engaged in handling an article which the law permits to be fraudulently disguised in the factory, but commands that it shall be sold for what it is in the store room. The present laws depend largely upon inspection for the enforcement of their provisions, but it often proves to be an arduous, endless task to watch the daily sales of the dealers over the state. Besides it is hard to have inspection conducted without more or less prejudice to the work, and lack of justice to the dealers as a whole. The courts have already sustained such legislation as is aimed at the root of the evil, which prohibits the use of any ingredient in foods whereby the consumer is deceived as to the real nature of the article which he eats. The rights of the states to enact such provisions have been fully established in the "anti-color" laws, and in acts of this character would not be necessary to enforce the honest sale of imitative products, as, for example, in the sale of oleomargarine, where the purchaser knows that he is buying oleomargarine and prefers it colored. But such instances must be subservient to the endeavor to get a legitimate food product upon the market under its own name and at the market price of the food value it represents.

It is now before us to decide whether the color is used to please or deceive the eye; whether the flavor is used to improve the taste of a wholesome food, or to impose upon the appetite an article which it would otherwise refuse, and whether a mild antiseptic is used because it is the best means to preserve an article of food through certain conditions, or whether it is recklessly

put into the product to lessen the risks and responsibilities which the manufacturers of our foods should, from the very nature of their business, be prepared to assume. When these questions can be considered away from the influences of class competition and sifted, the legislatures have the powers to enact such specific prohibitory legislation as in their wisdom they shall find necessary to remove the causes of a fraud.

There is an army of scientists studying the new colors and antiseptics and food substances, and diligently seeking to detect the tricks and deceptions of those who cheapen and adulterate and tamper with the people's foods. The work of the Food Commissioner is, under the authority of the law, to harmonize these findings with the conditions in the food business and with the health of the people. The enforcement of the statute is with the man. Whatever laws may be enacted and established by court decisions, their impartial enforcement depends upon the tireless energy and broadmindedness of those entrusted by the people to enforce them. Public sentiment will enforce a law when conditions become so dangerous as to be recognized by the public at large; but the food law is intended to nip those conditions long before they become frauds to honest business or menaces to the public health. The first object of the law is to prosecute; but when we begin to enforce its provisions, we find honest efforts endeavoring to comply with which we must co-operate; we find ignorance which must be taught, prejudices which must be overcome, before the jury will convict and the grocer submit and support the law's enforcement. We find great industries with trade reputations which are prided results of many years of honest dealings with the public and which must be respected. We find problems which prosecutions alone cannot solve and which invite our personal investigations for the purpose of substituting better methods for the ones which we must condemn as injurious to the public health. The work, like all other work, will remain problematic; but of this we have been assured, whenever an appeal is made to the courts in the name of pure foods every just measure of our laws will be upheld.

R. M. ALLEN.

Secretary and Executive Officer Kentucky State Food Law.

PRESIDENT JONES: The discussion of this topic will be opened by Hon. E. O. Grosvenor of Michigan.

Mr. Grosvenor: Mr. President, I have so little to say upon this subject that I did not think it worth while to say anything. Mr. President.

Before proceeding to the paper I wish to congratulate the gentleman upon the foremost position which he has taken as to his general policy as commissioner. I think he stands upon the

broad general grounds which ultimately we must all take, that of allowing a man to sell whatever is not deleterious to health provided his label states clearly and plainly just what it is. I wish, I say, to congratulate the gentleman upon the foremost and pronounced position which he has taken.

Now, when it comes to the discussion of this question, I believe it is one in which we are not very much interested; that it is a legal proposition, and that it is also a technical one, and that it is one in which the average food commissioner will not try to post himself, but will trust rather to others. For that reason I imagine it not a very interesting subject to most of us, and therefore I do not desire to discuss the cases or instances cited by the gentlemen in his paper. The United States Supreme Court has repeatedly said that under the 14th Amendment a man is guaranteed certain things in this country and one of them is liberty, and that under the head of liberty he is allowed to go into any business which does not injure the health or the morals of the community or commit a fraud; and therefore you can prohibit the manufacture and sale of just two classes of food products, and no others. The first class you may prohibit is, of course, those injurious to health. These may be prohibited without any trouble. The other class is those goods expressly manufactured, colored if you please, preserved if you please, or so mixed if you please, as to make it evident that the plain intent of the manufacturer is to commit a fraud; and the legislature has said that anyone so coloring, so preserving or so mixing an article does it for purposes of fraud; and the courts have held that they had a right under police powers to prohibit it, the object of this being so to commit fraud; but under no other conditions, gentlemen; and I am positive I am right there.

I have spent four years as food commissioner in getting together the different decisions—the decisions bearing upon food questions, in the different supreme courts of the United States, and I will undertake to say that no other practice will be upheld in any supreme court in the United States.

Therefore, if a man cares to mix with mustard a little starch and a little vinegar and some spices and then sell it as "Prepared Mustard" he has that right and no one can legislate that right from him, and no legislature may pass a law prohibiting the sale of that mustard so mixed and labeled because there is no deception practiced there. On the other hand, if the legislature shall say "If you wish to mix a mustard with starch, vinegar and spices it must be branded 'Adulterated Mustard,'" that is a regulation and not a prohibition, and is perfectly within their power.

Now, Mr. President, there is one criticism I have to pass upon the gentleman's paper, which I thought showed a great deal of study and thought, and that is that he has mentioned several cases which are not supreme court cases; and he has mentioned the results of jury trials. Now, I believe, gentlemen, especially in the preservative question, that the question for instance as to whether or not the preservative is injurious to health, is not a question for any jury. I believe that when it does get on that question as to whether the harmlessness of a preservative is a question for a jury or not, that the supreme court will hold that it is a judicial question. My authority for that statement is found in a very recent edition of a very eminent writer on police power, in which he takes that ground and cites a number of cases, going away back to the Slaughter House Cases, to show that they must necessarily be judicial questions. If this were not so, suppose the legislature simply says "you shall not sell anything injurious to health," and the commissioner declares that if he finds a certain thing he will declare it injurious to health. He goes into court with his scientific talent, his physicians and his physiologists and they swear that it is injurious to health; then the defense comes up and we note that he has another corps of equally eminent gentlemen who are known to be equally qualified to give expert testimony, and they swear that this particular substance is not injurious to health. Now, if this is not a judicial question you have the spectacle all over this country of one jury in this state deciding that some specific substance is injurious to health and another jury in another state declaring that it is not injurious to health.

Therefore I say there are one or two cases in the United States Supreme Court that I believe it will be the ultimate decision in these cases that it is one of the few questions of fact that ever get to the court. The question must be, in the very nature of things, a judicial question or you will have a mockery of law and justice all over the country.

MR. ALLEN: I would like to ask the gentleman his opinion; I would like to know this. The mixing of starch or flour with mustard, and to be labeled as such, would be legal, we grant; but now, suppose the mixing of starch with mustard should occur to such an extent, or that the coloring of that starch with tumeric should occur to such an extent that the public would be very much deceived as to whether or not it was pure mustard, then the legislature could prohibit the use altogether. I say, of any article in that mustard; so that the public could get pure mustard on their table—that is, if the use of these articles occurred to such an extent

that it became a fraud to the public. I hold that it could then be prohibited by the legislature and would be upheld by decisions passed because it would be a prohibition of fraud—when it has grown to be a fraud.

MR. GROSVENOR: I think, Mr. President, if I understood the gentleman's question, that if it could be shown (as I believe it was shown in the New York oleomargarine cases, that the bulk of that shipped in was absolutely being sold as butter by reason of its being colored)—I believe if that condition could be brought about, the courts would sustain the prohibition, not of the mixing of the ingredients, perhaps, but the coloring. Now the oleomargarine color laws have all been sustained upon the principle of fraud. The object of coloring oleomargarine is not to make it appear more pleasant to the taste, but simply to make it imitate butter and make it salable for butter. And right along this line (the line was very closely drawn) I believe the number of courts were divided on the question; they were five to four on the question, I believe. And I believe you would have to establish fully as strong a state of facts before the courts would uphold your opinion. It is the actual prohibition of the right of mixing of two harmless substances together to make a third.

There are one or two later decisions—one in Michigan, which comes very close merely by way of dictum. Nevertheless, they say that the question as to how far legislation may go in the prohibition of innocent articles is a very wide one. The State of Minnesota in a very recent decision decided that the constitutionality of the preservative law in the state went even further than that. In the Alum Baking Powder case in Missouri, which has passed through the circuit and supreme courts, it was said plainly (and they traced it away back, further back, even, that the Slaughter House cases) that the legislature had no power to prohibit the sale of non-injurious articles.

PRESIDENT JONES: I expect we had better hear Mr. Bonham now and then hear any further discussion you may have. He comes regularly upon the program.

Hon. Scott Bonham of Ohio.

DECISIONS AFFECTING OUR FOOD LAWS.

Discussion of paper of Hon. R. M. Allen of Kentucky, by Scott Bonham, Esq., of Cincinnati, Ohio, Attorney of the Dairy and Food Commission of Ohio.

MR. PRESIDENT: On sight of this bunch of papers I am displaying, you may imagine that I am like the young man down in one of our Ohio townships when he joined a debating society and made his first attempt at debate—that I have

come *prepared* to make an impromptu speech upon this subject this afternoon.

From my associations with my friend, Mr. Allen, of Kentucky, on our way to Portland, considering the utter recklessness with which he has been sampling every sort of food product that has come within his reach or vision on the road between Chicago and Portland (I am making no statements as to drink products), determined according to the rule of one of the decisions he has just cited and quoted from quite fully, establishing the principle that when a man buys some food product that is known by the buyer to be unwholesome, then the person who sells such product cannot be prosecuted for a sale of that sort, I have concluded that on the testimony of Mr. Allen, no proprietor of a lunch counter between here and Chicago could be prosecuted and convicted.

To most of you this discussion, dealing for the most part with legal technicalities, will not be the most interesting subject in the world, and to the ladies and persons outside of the legal profession it will easily take its place among the "*EXTRA DRY*." There is not much wit or humor or sentimental romance bound up in the sheepskin that decorates the shelves of a lawyer's office, and this topic is no more fortunate in that respect than others.

The general principles of the so-called pure food laws have been established. As counsel or attorneys for the Commissioners of Dairy and Food interests of the various states, we are compelled to work out the technical legal propositions that arise from time to time, are presented to us, are put in our way by the learned and brilliant counsel of the persons whom we prosecute, when we are endeavoring to make application of those general principles. In most instances we are compelled to prosecute interests that mean the investment of large sums of money. The best legal talent is secured by these interests. Every possible sort of legal obstacle is put in our way; and frequently, as has been said by some one here, of Colorado and other states, the appropriations—and that is true even in Ohio—are not extravagant for the purpose of paying the attorneys of the department, even if the appropriations are always so munificent that the Commissioners do all get rich and the chemists of the department always die with good homes and happy wives and families.

As Mr. Allen has suggested, the preparation of a paper upon this subject has been fraught with more difficulties and work than would at first be supposed, for, although laws inveighing against unwholesome foods go back in England, as Mr. Allen has just reminded you, to the common law, to time immemorial, and have been known in France, Germany and other countries for almost

an equal length of time, yet in the United States, under the statutes enacted by the several states looking to the control or prohibition of food, drink and drug adulterations and the protection of dairy products, legislation has necessarily been recent and decisions of the courts interpreting and construing such statutes and determining the powers of legislatures to enact such laws and determining their constitutionality under the respective constitutions of the states where enacted, and under the constitution of the United States, have been rendered, for the most part, during the last twenty-five or thirty years. Some of our states in this time have been prolific of decisions in courts of last resort along this line. Ohio illustrates this class of states. Many of them, however, have no decisions in their courts of last resort relating specifically to the so-called pure food legislation. Kentucky represents this class.

The fact that there are no books, there is no work, compiling the decisions relating specifically to so-called pure food laws, has put both Mr. Allen and myself very much at sea in the preparation of a brief, condensed paper upon this subject.

In the progress of my necessarily hasty investigation of the general field covered by this assignment to Mr. Allen, in order that I might find something to say in addition to the contents of his paper without going over the same ground covered by him—and I did not know how he intended to treat the subject, as I read his paper only a day or two ago on the train coming here—I found no book especially treating on the laws and decisions of this growing branch of public health law or compiling them with any pretense to completeness. I have been compelled to search digests, encyclopaedias, law journals, indexes, etc., and I know Mr. Allen has done the same, for such as might be called some of the leading cases in some of our state courts of last resort and the federal courts. Such works on public health as that by Parker & Worthington or Prentice or Russell on Police Powers, or Tiedemann on State and Federal Control of Persons and Property, give this subject only general and meager notice. In the future it will have larger space and fuller consideration.

In fact, on the way here Mr. Allen and I concluded that the assignment of this subject to us had opened the way for us to turn authors—had compelled us to do so. So you need not be surprised at the Seventh Convention of this association to be solicited to take a copy bound in good legal calf of "*Bonham & Allen on the Laws to Prevent Adulterations and Frauds in Foods, Drinks and Drugs, and to Protect Dairy Products, and Decisions Relating Thereto, FIRST EDITION.*" We advertise it now so as to get it on the market early.

Hon. Jos. E. Blackburn, the Dairy and Food Commissioner of Ohio, for the use of the attorneys of the department in Ohio, has had compiled and printed in pamphlet form not only the laws enacted by the general assembly of the state, but all the decisions that have been reported of our Supreme court and all the inferior courts. As I have already suggested, we have been making considerable law in Ohio along this line since the enactment of the first law in 1884. It is the experience of every commissioner, doubtless, in the enforcement of these so-called pure food laws that every legal subtlety is resorted to by the defense to delay, thwart and defeat these prosecutions. Food Commissioners are not generally prosecuting poor men, but the agents of corporations or concerns with thousands, frequently millions, of dollars invested in adulterated products, being put on the market by them, though the defendant in the case is frequently, in fact, usually is, the respectable grocer or other retailer of their adulterated articles. The commissioner is, therefore, frequently embarrassed with the additional burden of the misplaced sympathies of the neighborhood for the poor and respectable retail merchant or agent whom the commissioner is compelled to prosecute by the exigencies of the case, due largely to the lack of national legislation.

You are compelled to place the facts first before a jury of the neighbors of the defendant, who may be, usually is, a law-abiding citizen, and convince them beyond a reasonable doubt of the guilt of the accused as charged in the affidavit or indictment. The proper preparation of the case and its presentation to the jury is of first importance, for upon conviction by the favorable verdict of the jury you are next called by the well-paid and learned counsel of the moneyed interest whose product you have assailed to run the gauntlet of all the courts, to the rapid depletion of the appropriations made by your state for your department, which may be the whole purpose of the defense, with perhaps a faint hope to chance upon some technical error in the proceedings of the trial had.

Now, I am not going to read to you all this bunch of papers. Mr. Allen has certainly covered the subject in most excellent style, giving you a fair picture of the general features of the entire field, and Mr. Grosvenor has supplemented Mr. Allen's paper with very pertinent, condensed remarks, in which he has called your attention to what is the fact, that the laws affecting dairy and food adulterations are finally brought down to two propositions—"Is the adulteration deleterious to health?" or "Is the adulteration a fraud?"

I will not go over what Mr. Allen has already occupied, if I can avoid it, but will call attention to a few decisions that I think are just a little

interesting and perhaps out of the ordinary line, and one or two recent ones which I consider prominent and important.

OBJECTS OF PURE FOOD LAWS.

As Mr. Grosvenor has well put it, the purposes of these laws are to protect the public health and to prevent fraud, and these purposes are clearly illustrated respectively by two leading cases in Ohio.

1. To protect public health. *State v. Hutchinson*, 55 O. S., 573:

Beer, sold as food, containing salicylic acid without a label to that effect, is, if found injurious to health by continuous or indiscriminate use, an adulteration, under Sec. 4200-6, par. b, clause 7.

And what is most important, it will be noted that the court held that the quantity of adulterating substance used in the particular instance need not be injurious to health, provided that it should be found injurious to health by continuous or indiscriminate use.

A recent Pennsylvania case so held also, though by an equally divided court:

Com. v. Kevin, 18 Pa. Super. Ct. 414 (April 28, 1902).

On the trial of an indictment under Act of June 26, 1895, Sec. 3. sub. sec. 7, relating to the adulteration of food or drink, for the sale of a pint of raspberry syrup, alleged to contain salicylic acid, which was charged to be poisonous or injurious to health, the court excluded evidence as to whether the quantity of acid present was poisonous and injurious to health, and instructed that the jury might convict if they found salicylic acid present in any quantity, and the jury returned a verdict of guilty. Held, by an equally divided court, that the conviction must be sustained.

2. To prevent fraud.

State v. Dreher, 55 O. S., 115:

To offer for sale as an article of food under the name of "liquid coffee" a mixture of liquid chicory and coffee, violates the pure food laws, for it is a fraud on the purchaser, and it matters not whether the compound be deleterious or not.

But the case of *State v. Hutchinson*, 56 O. S., 82, seems to be one to be classed under both heads, as though the point involved were one of mixed fraud and deleteriousness to health.

After all, it can be claimed that it resolves itself into the question of a violation of the law against fraud.

The court held:

Whisky being recognized in the U. S. Pharmacopeia, and its standard of purity and strength there given, and all persons being forbidden to sell drugs therein named of a different standard; it follows that persons other than druggists—as here a saloonkeeper or dealer—are amenable to the statute if they sell whisky below the standard,

though sold for a beverage or commodity. The statute is not only for protection of health, but also to protect buyers against inferior articles.

AGENTS WHO SELL ADULTERATED GOODS.

I will quote briefly from some Ohio decisions under this head, indicating when and how prosecutions may be made.

Myers v. State, 54 O. S., 242.

Bessman v. State, 54 O. S., 242.

A drummer here from another state, obtaining an order for liquor which is adulterated, makes a sale here and can be prosecuted here.

An agent who sells for a non-resident principal is subject to the penalty of the pure food laws.

A general manager of a corporation to sell food, supplied at wholesale by agents, is the principal who may be prosecuted.

The manager of a corporation who sends out an agent to sell an adulterated article is liable under the pure food laws, and the offense is triable in the county where the agent made the contract.

A principal in one county who sells adulterated food by a traveling salesman in other counties may be prosecuted in any county where the sale was made and the goods delivered.

And now I shall quote a Michigan case. I hesitate to quote anything from Michigan, but if I misquote I am sure Mr. Grosvenor will right me.

This is from *People v. Skillman*, 89 N. W., 330; 8 Det. Leg. N. 1090.

A salesman could not be convicted of selling adulterated jelly, contrary to Pub. Acts, 1895, Act No. 193, as amended by Pub. Acts 1897, Act No. 118, and Pub. Acts 1899, Act No. 117, where the testimony showed that he solicited and obtained an order for pure fruit jelly and reduced the same to writing, describing it as pure fruit jelly, and did not show that he had any further connection with the transaction, though his house sent adulterated jelly in response to the order, labeled "Pure Fruit Jelly."

This Michigan decision is at first sight seemingly in conflict, to a certain extent, with the Ohio decisions.

Mr. Grosvenor: I would like to ask the gentleman a question right there. Is it not true that the Ohio decisions do not refer at all to the question of a man's guilt, but that we assume that the agent took the order for adulterated goods?

Mr. Bonham: The question of intent is not to be considered, if he took an order for adulterated goods, whether he had knowledge of the adulteration or not.

Mr. Grosvenor: Then was not there a wide difference between the two cases, and, after all, do we not meet upon a common plane?

Mr. Bonham: I do not claim that this case is absolutely in conflict, but it seems to be in conflict. The Ohio Supreme court assumed that the

defendant knew that he was taking an order for adulterated goods in the Ohio case cited; whereas, in the Michigan case, it appeared very clear that he took an order for pure goods and that the court held that he should not be liable for the error of his principal in shipping adulterated goods.

Mr. Bonham: Mr. Allen and I are not quoting from the Kelly case in Ohio for the reason that the question of intent is not to be considered. It is a question whether the goods were adulterated, and, if adulterated, whether the person who sold them, sold them and assumed all risks of their being adulterated. He should have known that they were adulterated.

When interrupted by Mr. Grosvenor I was just about to quote from a Pennsylvania case where a Philadelphia wholesaler sent his solicitor into another county and took orders there.

Com. v. Richards, 16 Montg. Co. Law Rep'r, 176, Pa. Quart. Sess., 1900.

Where the agent of a wholesale house solicited an order for oleomargarine, and his principal, without his knowledge, shipped oleomargarine colored in imitation of pure butter, in the name of the purchaser, but in care of the agent, the agent cannot be convicted for selling oleomargarine colored in imitation of butter, since, as he had no right to open the package or opportunity to inspect it, he was justified in assuming that his principal had shipped the goods ordered and not an adulterated article.

And this is another Pennsylvania decision:

Com. v. Gardner, 16 Montg. Co. Law Rep'r, 171:

Where a Philadelphia grocer, who had a wholesale license to sell oleomargarine, sent his soliciting agents into M. county and took orders there, which were sent to a Philadelphia store and there accepted, and the goods shipped to the customer in his name, but in care of the agent, and taken by the agent from the railroad station and delivered to the customer, defendant cannot be convicted of selling oleomargarine in M. county without a license, since the sale was consummated in Philadelphia.

POLICE POWER OF STATES.

Certain things have been well established by decisions of our courts, among them that these so-called pure food laws are a proper exercise of the police power of the state, and that they are not in contravention of the provisions of the federal constitution relating to interstate commerce, so long as they come within the limits of a reasonable exercise of such police powers, lodged in the state.

The Supreme Court of Iowa, in *State v. Schlenker*, 51 L. R. A. 347, 348, 349 (112 Iowa 642), in the decision of the case fully discusses the subject of the police power of the state. The case is one where boracic acid dissolved in water was added

to milk as a preservative, of which fact the seller informed some of the consumers, certain of his customers, and did not attempt to deceive any, and the quantity used had no deleterious effect upon the consumer. The third and fourth paragraphs of the syllabus are as follows:

3. The power of the legislature to prohibit the addition of water or any other substance whatever to milk that is sold is included within the police power to protect health, even when it extends to the addition of that which is harmless in itself, and which is added without intent to defraud, but merely to preserve the milk.

4. No restraint on the police power of the state is imposed by the U. S. Const. Fourteenth Amendment.

On pages 348-9 the court, in its decision, reasons as follows:

But it is said that the legislature had no power to forbid the sale, without deceit or fraud, of a harmless and wholesome article of food. This may be true, as a general proposition; but it is also true that in virtue of the police power it may pass such laws as are, or may reasonably appear to be, necessary for the health, comfort and safety of the people. No clear and comprehensive definition of the police power has ever been given, and it is doubtful if one can be framed that will be accurate and cover every conceivable case that may arise. It is much easier to determine whether the particular case comes within the scope of the power than to give a definition that will be applicable to all cases. In *Hannibal & St. J. R. Co. v. Husen*, 95 U. S. 465, 24 L. ed. 527, it is said: The police power of a state extends to the protection of the lives, limbs, health, comfort and quiet of all persons, and to the protection of all property within the state, and hence to the making of all regulations promotive of domestic order, morals, health and safety. The power belongs to the several states and not to the federal government, save in exceptional cases; and, so long as the legislature does not pass the limits prescribed by the federal or state constitution, courts have no authority to interfere on the ground that the acts in question violate natural principles of right and justice. Ordinarily the legislature determines when the public welfare and safety demand its exercise; and, as a general rule, courts have nothing to do with the policy, wisdom or necessity of the enactment. Of course, the state cannot, by arbitrarily assuming that a commodity is injurious to the health or comfort of the people, impair individual rights guaranteed by the constitution. The police power of the state, like every other, is subject to the constitution and cannot be used as a cloak under which to disregard constitutional rights or restrictions.

* * * * *

That the sale of milk to which water and

boracic acid have been added may amount to a fraud upon the purchaser is evident. He has a right to assume that the milk he buys is unadulterated and that it will go through the natural process of oxidation and decomposition. He may wish to use sour milk for culinary purposes, and has the right to assume that nothing has been added to prevent chemical change. Counsel for appellee responds to this thought by saying that defendant notified all persons to whom he sold that boracic acid had been added, and that no one of the witnesses for the state was deceived. The record does not bear them out in this contention, but, even if it did, we would have no help therefrom in solving the constitutional question involved. It may be conceded that the milk sold by the defendant was not harmful to the health of those who used it; but it is certainly dangerous to the public to permit milk men and those dealing in milk to adulterate it in such manner as to change its constituent properties. The statute does not deprive the defendant of his property, but it does impose upon him the duty of so using it that no injury shall result to others most likely to be affected by a disregard on his part of the reasonable health regulations that it enacts. Almost every police regulation affects, to a greater or less extent, some property right; but these rights are subject to such reasonable limitations in their enjoyment as will prevent them from being injurious, and to such reasonable regulations as the legislature, under the constitution, may deem necessary and expedient.

* * * * *

Appellee further contends that the statute in question is in violation of the Fourteenth Amendment to the Federal Constitution. Such contention is not sound, for it is fundamental that this amendment does not impose any restraints on the exercise of the police power of the state for the protection of the safety, health or morals of the community. *Barbier v. Connolly*, 113 U. S. 27, 28 L. ed. 923, 5 Sup. Ct. Rep. 357; *Kidd v. Pearson*, 128 U. S. 1, 32 L. ed. 346, 2 Inters. Com. Rep. 232, 9 Sup. Ct. Rep. 6; *In re Rahrer*, 140 U. S. 545, sub. nom. *Wilkerson v. Rahrer*, 35 L. ed. 572, 11 Sup. Ct. Rep. 865; *People v. King*, 110 N. Y. 418, 1 L. R. A. 293, 18 N. E. 245.

In this decision are collected and cited a large number of decisions of the various courts upon the points determined by the Iowa courts.

In *Weller v. State*, 53 O. S. 77, the Ohio court held that the Ohio statute was constitutional and within the proper police powers of the state.

The provisions of the statute construed in that decision are found in section 2 of an act to prevent the adulteration of vinegar, as amended April 14, 1888 (85 O. L. 259), and are as follows:

"No person shall manufacture for sale, or knowingly offer for sale, or have in his possession

with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric acid or other ingredients injurious to health, or containing artificial coloring matter."

A violation of the act is, by the 5th section, made an offense, punishable by fine or imprisonment or both.

The court in this decision, on page 89, thus reasons:

Our statute inhibits the possession for the purpose of sale of any vinegar containing artificial coloring matter; and is therefore broader than the New Jersey statute as to oleomargarine. And, again, as shown, the roasted malt in this case was used not as a substantial ingredient, but only to give color, flavor or aroma, neither of which are substantial ingredients of the vinegar. The construction asked to be given this statute would permit a manufacturer to run distilled vinegar through roasted apples and by thereby imparting to it the color and aroma of cider vinegar, sell it in the market as such. And this, we understand, was claimed in the court below. But the purpose of this statute was, we think, to protect the public against such deceptions. Much is claimed from the fact that it was admitted on the trial that the vinegar of the defendant was wholesome, and that he did not intend to deceive any one by using the roasted malt and labeling and selling his product as "Malt Vinegar." But this is wholly immaterial. It matters not what his intentions may have been. The tendency of such devices is to deceive the public; and the statute was enacted to afford it protection therefrom. Such a statute is clearly within the proper exercise of the police power of the state. Every one has the right to distinguish for himself what an article of food is and have the means of judging for himself its quality and value. *Palmer v. The State*, 39 Ohio St. 236. *Powell v. Commonwealth*, 114 Pa. St., 265; *Powell v. Pennsylvania*, 127 U. S. 678.

In *Powell v. Commonwealth* the act of the legislature of Pennsylvania prohibiting the manufacture and sale of oleomargarine or keeping the product with intent to sell was held to fall within the police power of the state—a power held to include the making of all "wholesome and reasonable" laws, not repugnant to the constitution, that the legislature may judge to be for the good and welfare of the commonwealth and its people. It was offered on the trial of the case to show by experts that oleomargarine is a wholesome article of food. This was rejected. Error having been assigned as to this, the court said: "The mere fact that experts may pronounce a manufactured article, intended for food, to be wholesome or harmless does not render incompetent for the legislature to prohibit the manufacture and sale of the article. The test of the reasonableness of

a police regulation prohibiting the making and vending of a particular article of food is not alone whether it is in part unwholesome and injurious. If an article of food is of such a character that few persons will eat it, knowing its real character; if at the same time it is of such a nature that it can be imposed upon the public as an article of food which is in common use and against which there is no prejudice; and if, in addition to this, there is probable ground for believing that the only way to protect the public from being defrauded into the purchasing of the counterfeit article for the genuine, is to prohibit altogether the manufacture and sale of the former—then we think such a prohibition may stand as a reasonable police regulation, although the article prohibited is in fact innocuous, and although its production might be found beneficial to the public, if in buying it they could distinguish it from the production of which it is the imitation." Citing *State v. Addington*, 77 Mo. 110. The case may be regarded as a somewhat extreme one; but it was affirmed on error by the Supreme Court of the United States in *Powell v. Pennsylvania*, *supra*; and is valuable as illustrating the extent of the power possessed by the legislature of a state over such subjects, when exercised to prevent deception and fraud in the manufacture and sale of an article of food. There can, as we think, be no question as the validity of our own statute to prevent the adulteration of vinegar. A statute of the state of New York, not only in substance, but in language like our own, has recently been sustained by the court of appeals of that state. *People v. Girard*, 39 N. E. Rep. 823. In replying to the argument that the law is an interference with a vested right, *Finch, J.*, in delivering the opinion, said: "Sometimes it—the argument—is pertinent and weighty, but in this case it is neither. It becomes the assertion of a vested right to color a food product so as to conceal or disguise its true or natural appearance; in plain words, a vested right to deceive the public." Judgment affirmed.

Again has the Ohio Supreme Court very elaborately and carefully considered that question in the case of *State, ex. rel. Attorney General v. Capital City Dairy Co.*, which is reported in 62 Ohio St., page 350. On pages 363-6 the court's language is as follows:

The constitutionality of the several acts. What is their purpose and scope? At the outset it should be understood that the statutes do not undertake to prohibit the manufacture or sale of oleomargarine; on the other hand, their express purpose, gathered from text and title as well, is to regulate its manufacture and sale. In substance they provide that no one shall manufacture for sale any article in imitation of butter or any compound or substance or any human food in imitation or semblance of natural butter, which

is not pure butter; that no one shall manufacture or offer or expose to sale any oleomargarine which contains any coloring matter; that no one shall sell any substance purporting, appearing or represented to be butter or having a semblance of butter, unless it be under its true name and with proper mark designating such name, and that all persons dealing in food shall, upon proper application and tender of price, furnish a sample suitable for analysis. Construed with that part of Section 2 of the Act of March 7, 1890, which provides that oleomargarine may be manufactured "in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from any coloring matter or other ingredient, causing it to look like or appear to be butter," it becomes entirely manifest that this legislation is regulation, not prohibition. So that we may leave out of consideration that portion of the argument which seeks to establish on the one hand and deny on the other a right in the state to directly prohibit its sale or legislate so as to reach that result by indirection. The question, therefore, is, do the sections of the statute quoted, or any of them, violate our bill of rights which guarantees the right of acquiring and protecting property; or do they in any way violate the constitution as being subversive of the constitutional right to liberty and the enjoyment of property? In other words, is it within the legislative competency to establish regulations for the prevention of fraud and deceit in the sale of articles of food?

We are of the opinion that the question is not an open one in Ohio. This court has held again and again that the police power of the state is properly exercised in the protection of the people in all matters concerning their health, and that it is within the scope of this power to regulate the manufacture and sale of articles of food, even though the right to so manufacture and sell is a natural right guaranteed by the constitution. Conceding that where the pursuit rests upon natural right, and the product is not harmful, this power may not be exercised in a way which will result practically in inhibition, though under the guise of regulation, and in fostering the interests of a rival product; yet, where the manufacture is conducted in such a way as is calculated to deceive, lead the buyer to suppose he is purchasing an article of food which is everywhere recognized as wholesome, and especially where the article sought to be regulated may easily be manufactured so as to be harmful, and thus result in fraud upon and injury to the public, the police power is properly exercised in the regulation of the manufacture and sale of such article by such requirements as will tend to insure the public against fraud and injury. Its proper disposition is not forbidden. As stated in *Jordan v. Overseers*, *infra*, the owner "has power to mortgage the

property or give direction to his labors at his pleasure, subject only to the paramount claims of society, which require that his enjoyment may be modified by the exigencies of the community to which he belongs and regulated by laws which render it subservient to the general welfare." These several statutes, framed to accomplish this end, entail no particular hardship, are reasonable in their requirements and do not contravene any section of the constitution. Nor is there any question whatever in regard to the power of the state to compel a sample for analysis of any article of food. It would be a waste of space to argue the matter. We hold that in that particular, also, the statute is reasonable and just. *Jordan v. Overseers*, 4 Ohio, 295; *The State v. Ruedy*, 57 Ohio St. 224. Other authorities covering the question are abundant, but it is not necessary to refer to them here. They will be found cited in the briefs of counsel. However, we call attention to a recent utterance of the Supreme Court of the United States in *Gundling v. Chicago*, which involved the right of the city to forbid the sale of cigarettes without a license, opinion by Mr. Justice Peckham:

"Regulations respecting the pursuit of a lawful trade or business are of very frequent occurrence in the various cities of the country, and what such regulations shall be and to what particular trade, business or occupation they shall apply are questions for the state to determine, and their determination comes within the proper exercise of the police power by the state, and unless the regulations are so utterly unreasonable and extravagant in their nature and purpose that the property and personal rights of citizens are unnecessarily and in a manner wholly arbitrary, interfered with or destroyed without due process of law, they do not extend beyond the power of the state to pass, and they form no subject for federal interference.

"It is not a valid objection to the ordinance that it partakes of both the character of a regulation and also of an excise or privilege tax. * * * So long as the state law authorizes both regulation and taxation it is enough, and the enforcement of the ordinance violates no provision of the Federal Constitution."

In *State of West Virginia v. Myers*, 42 W. Va., 822, it was held that the law requiring oleomargarine to be colored pink was within the police power of the state. The syllabus of that case is as follows:

Chapter 8 of the Acts of 1891, providing that from and after its passage it shall be unlawful for any manufacturer or vendor of oleomargarine, artificial or adulterated butter, to manufacture or offer for sale within the limits of this state any oleomargarine, artificial or adulterated butter, whether the same be manufactured within

or without this state, unless the same shall be colored pink, and prescribing a penalty for the violation of same. Held to be not unconstitutional.

In the case of *State v. Marshall*, 64 N. H. 549, a law to prevent sale of imitation butter, unless colored pink, was also held within the police powers of the state.

But as an example of the limits to the police power granted to the states under the Federal Constitution may be cited the case of *State of Ohio v. Thomas*, 173 U. S. 276, Paragraph 1 of the syllabus being as follows:

The Soldiers' Home at Dayton being a Federal institution, the police power of the state cannot regulate any article of food approved by the officers of the home, and hence a prosecution against an officer for violation of the statute in relation to the use of oleomargarine will not lie.

INTENT.

I believe that the case of *State v. Kelly*, 54 O. S. 166, holding that the ignorance of the accused of the adulteration of the article sold by him is no defense, states the law upon this subject, and I therefore quote first from the second paragraph of the syllabus, which is as follows:

2. In a prosecution under said act it is not a defense that the accused is ignorant of the adulteration of the article which he sells or offers for sale.

At page 177 the court states the law under which the prosecution was brought, it being the first section of the act of March 20, 1884 (Sec. 8805-1, Rev. Statutes), "That no person shall, within this state, manufacture for sale, offer for sale or sell any drug or article of food which is adulterated within the meaning of this act."

Further on, at page 178, the court reasons:

The act is not a provision for the punishment of those who sell adulterated food or drugs, because of any supposed turpitude prompting such sales or indicated by them. Its purpose is indicated by its title. It is "an act to provide against the adulteration of food and drugs." It is a plan devised by the general assembly to protect the public against the hurtful consequences of the sales of adulterated foods and drugs, those consequences being in no degree increased by the vendor's knowledge or diminished by his ignorance of the adulteration of the articles which he offers for sale. The provisions of the act are appropriate to the purpose indicated by its title. It would have been inconsistent with that purpose to provide for the trial of such immaterial issues as the object of the vendor in making a sale or of the extent of his knowledge touching the quality of the article sold. Those who produce the adulterated articles whose sale is forbidden may live without the state. Purpose and knowledge, except when they are indicated by the

character of the forbidden act, are, in most cases, insusceptible of proof. If this statute had imposed upon the state the burden of proving the purpose of the vendor in selling an article of food or his knowledge of its adulteration, it would thereby have defeated its declared purpose. Since it is the duty of courts to so construe doubtful statutes as to give effect to the purpose of the legislature, they cannot in case of a statute whose provisions are unambiguous and whose validity is clear, defeat its purpose by construction.

The court, further along, citing cases, reasons:

In *Commonwealth v. Farren*, 9 Allen, 489, in construing a statute which provides that "whoever sells or keeps or offers for sale adulterated milk or milk to which water or any foreign substance has been added" shall be punished as provided, it was held that it is not necessary either to allege or prove that the accused knew that the milk he offered for sale was adulterated. With respect to a similar statute the same conclusion was reached in *State v. Smith*, 10 R. I. 258. If knowledge of the adulteration were an element of the offense, it would be incumbent upon the state to establish it; but since it is not, the defendant could derive no advantage from any evidence tending to show the absence of such knowledge.

And the court concluded this decision on page 180 with the following language:

In the enactment of this statute it was the evident purpose of the general assembly to protect the public against the harmful consequences of the sales of adulterated food and drugs, and, to the end that its purpose might not be defeated, to require the seller at his peril to know that the article which he offers for sale is not adulterated, or to demand of those from whom he purchases indemnity against the penalties that may be imposed upon him because of their concealment of the adulteration of the articles.

TWO IMPORTANT OHIO DECISIONS.

In my judgment the two most important decisions, perhaps, of all in the history of pure food legislation have been recently rendered by Ohio courts; the one by the Supreme Court of Ohio in the case of *State of Ohio ex. rel. Attorney General v. Capital City Dairy Co.*, reported in 62 Ohio State, 350, involving the forfeiture of the charter of the Capital City Dairy Company for manufacturing and handling articles in violation of the food laws of the state; the other a decision by the Circuit Court of Appeals of the United States, at Cincinnati, in the case of *John Arbuckle et al. v. Joseph E. Blackburn*, Dairy and Food Commissioner of Ohio, reported in 13 Ohio Federal Decisions 44 (47 Ohio Law Bulletin Nos. 14 and 15, April 7 and 14, 1902), involving the right of a person to bring injunction proceedings against an official, such as the Dairy and Food

Commissioner of Ohio, to prevent his causing the arrest of persons alleged to be violating the pure food laws, or of notifying persons to comply with the law as he construed it, the plaintiff in the latter case being the Ariosa coffee people.

THE CAPITAL CITY DAIRY COMPANY CASE.

I have already quoted another part of the decision in this case under the head of "Police Power of the State." What I now quote from this case shall be—for this was an important case in the other respect also—that portion which decided the right of the State of Ohio, through its proper officials, to institute proceedings against this corporation inquiring by what authority it was exercising its rights, and to oust it of its charter and compel a forfeiture thereof. At pages 358-9 the court states the facts fully and clearly upon which the proceedings were based:

The defendant is an Ohio corporation, chartered June 27, 1893, and thereby granted the right, privilege and franchise of manufacturing, selling and dealing in oleomargarine and the materials and utensils employed in the manufacture, storage and transportation thereof, and all things incident thereto. Its principal place of business is the city of Columbus. The complaint is that the defendant has, continuously since about the time of its creation, offended against the laws of the state, misused its corporate authority, franchises and privileges, and assumed franchises and privileges not granted to it, and has assumed and exercised rights, privileges and franchises specially inhibited by law in these particulars, to-wit: 1. It has manufactured and sold an article in imitation and semblance of natural butter, which article was made of animal and vegetable oils and compounds with milk or cream, or both, which was not in separate and distinct form and in such manner as would advise consumers of its real character, and was not free from coloring matter or other ingredients causing it to look like and appear to be butter, which said article was not butter, but was an article made in imitation and semblance thereof. 2. It has manufactured and has offered and exposed for sale and has sold and delivered and held in its possession with intent to sell and deliver, in quantities from ten thousand to twenty thousand pounds daily, oleomargarine, containing coloring matter—namely, annatto and other coloring matter to re-lator unknown. 3. It has manufactured and sold a substance purporting and appearing to be butter, and having the semblance of butter, but which was not butter, but was oleomargarine, and the parcels and rolls thereof were not distinctly and durably stamped, or painted, or marked in the true name thereof in ordinary, bold-face capital letters. 4. It has refused and still refuses to deliver and furnish to the duly appointed, qualified and acting inspector and agent of the dairy and food commis-

sioner of the state any sample or quantity of oleomargarine manufactured by it, although duly demanded by him, and the value of the same for a ten-pound package thereof or any other reasonable quantity thereof was tendered it, for the analysis thereof, and has refused and still refuses to permit said inspector and agent to enter its factory for any purpose whatsoever and has refused and still refuses to permit him to examine or cause to be examined any of the products manufactured by it. And further, that all of said violations of law have been made and done by the defendant with full knowledge of the said violations and for the expressed purpose and intent of violating and evading said laws, for the purpose of deceiving the people of this and other states as to the real character of its said product, contrary to the act of March 7, 1890, entitled "an act to prevent deception in the sale of dairy products and preserve the public health."

Evidence in support of these charges was introduced on the part of the state. No evidence was offered by defendant.

The defense was two-fold. First, that the laws, the violations of which were charged, were unconstitutional, and secondly, that if the laws were valid, their violation was punishable in a criminal proceeding, and beside the right to manufacture and vend oleomargarine is not a franchise, and its abuse, should the same be shown, is not the abuse or misuse of a franchise and not the proper subject of a *quo warranto* proceeding. The constitutional objection, as decided by the court, as I have already stated, is found under the head of "The Police Power of the State." The matter as to the second defense is decided by the court at pages 366-7 and is as follows:

2. The remedy by criminal prosecution. It is enough to say of this objection that the remedy is not adequate. The object of the statute is to protect the public. In the nature of things, a small fine is not a sufficient deterrent to accomplish the desired end, especially in the case of a company possessed of ample means and conducting a large business. The difference between the price at which butter may be manufactured and sold and that at which oleomargarine may be afforded, is so large that the temptation to impose upon the public is too great to be resisted. In addition to this, there are practical difficulties in obtaining convictions which the experience of the Dairy and Food Commissioner, as shown by his report, a public document, fully attests. *Rex v. Ry. Co.*, 2 B. & Ald., 646; *People ex rel. v. Bd. of State Auditors*, 42 Mich. 422.

3. The right to manufacture and sell oleomargarine is not a franchise, and hence the proceeding of *quo warranto* is not a proper remedy. It would seem a sufficient answer to this proposition to say that if it be true, then the defendant has

no franchise whatever. Its charter, the certificate of the secretary of state, gives it "the right, privilege and franchise of manufacturing, selling and dealing in oleomargarine," etc. This authority carries the implication that the business must be conducted in conformity to the laws of the state. It could not have been the intent of the general assembly, in enacting laws permitting the formation of corporations, to give them power to override the state, although the conduct of the officers of the defendant would seem to imply that they have entertained a different opinion. The time has not yet arrived when the created is greater than the creator, and it still remains the duty of the courts to perform their office in the enforcement of the laws, no matter how ingenious the pretexts for their violation may be, nor the power of the violators in the commercial world.

In order to avoid misunderstanding, it may be well to here repeat what substantially appears elsewhere, that there is no inhibition, under the laws of Ohio, of the manufacture or sale of oleomargarine. The requisite simply is that it shall purport to be what it really is, and shall not be so manufactured and put up as to deceive the consumer. Section 4200-14 (Bates) distinctly provides "that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine, in a separate and distinct form, and in such manner as will advise the consumer of its real character."

In the present case, the acts of the defendant have been persistent, defiant and flagrant, and no other course is left to the court than to enter a judgment of ouster, and to appoint trustees to wind up the business of the concern.

The third and fourth paragraphs of the syllabus of the case, at page 350, succinctly and clearly put the right of the state to oust a corporation where the manner of conducting the business is in defiance of the laws of the state relating to that business. I quote them:

3. The mere fact that the criminal laws of the state provide for the punishment, by fine, of those who offend against the above-recited sections, is not a bar to a proceeding *quo warranto* to oust a corporation engaged in the manufacture of oleomargarine, from the exercise of its rights to be a corporation.

4. Where the manner of conducting a business, which the state's charter gives power to a company to conduct as a corporation, is in disregard and defiance of the laws of the state relating to that business, an abuse of the power results, and *quo warranto* may properly be invoked to stop the abuse, and, if the abuse be flagrant, to oust the corporation.

THE ARBUCKLE CASE IN THE FEDERAL COURT.

Doubtless, you are all familiar with the Ar-

buckle Ariosa Coffee litigation. I will not trespass upon what is coming, as Mr. Blackburn will have something to say in his paper on "Adulterated Coffee, Glazed and Otherwise," upon the practical phases of the Arbuckle Ariosa Coffee cases. However, a short history of the whole Arbuckle controversy is necessary to a proper understanding of this case in the Federal court, from which I shall quote.

The act of the general assembly of Ohio, passed March 20, 1884, 81 O. L. 67, and entitled "An act to provide against the adulteration of food and drugs," as amended April 22, 1890, 87 O. L. 248, being sections 4200-4 to 4200-8 of Bates' Annotated Statutes, providing, among other things, that "an article shall be deemed to be adulterated within the meaning of this act," * * * "in the case of food" * * * "if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is, provided that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale, be distinctly labeled as mixtures or compounds with the name and per cent of each ingredient therein, and are not injurious to health."

The Arbuckle Brothers of New York were manufacturing, and had been doing so for a long time, a certain article labeled "Ariosa," being roasted coffee, which Commissioner Blackburn, of Ohio, claimed was adulterated by being colored and coated with a mixture of sugar and eggs, whereby inferiority was concealed and whereby it was made to appear better and of greater value than it really was, which he claimed was contrary to the provisions of the foregoing statute which I have just quoted. During the latter part of the year 1900, inspectors of the Dairy and Food Commission of Ohio had taken up samples of this "Ariosa," more specifically called "Arbuckles Ariosa Coffee," from dealers who were handling it and chemists of the Commission had considered and investigated the article. A number of firms had agreed to accept the construction of the law, as placed upon it by Commissioner Blackburn, and to comply therewith. On February 5, 1901, Commissioner Blackburn issued a circular to dealers and vendors of "Ariosa" within the state of Ohio in reply to inquiries from them relative to the coffee situation in Ohio in respect to this matter of glazed coffee, in which he announced that the chemists of his department were considering, and investigating this coffee, giving the names of several firms that had agreed to accept the law as construed by his department, etc., and further announcing that the Arbuckle Brothers of New York were the only firm that had

and still refused to accept the rulings of the department, or to abide by the laws of the state, as construed by the Supreme Court of Ohio.

On April 1, 1901, prosecution was begun at Toledo, Ohio, by the filing of an affidavit charging that one James A. White had, on or about the 5th day of December, 1900, unlawfully sold one pound of roasted coffee labeled "Ariosa," adulterated by being colored and coated, as I have just described. This case came to trial before Judge Charles W. Meck, of Toledo, and after a long and bitter fight, for the case was hotly contested throughout by the defendant, through able counsel employed by Arbuckle Brothers, who provided every means possible to the defendant for a successful defense of his case, chemists of highest standing testifying both on behalf of the state and of the defendant—the case was tried to a jury—he was found guilty, as charged in the affidavit. Arbuckle Brothers then took the case, on error, to the Common Pleas Court, alleging that there had been a great number of errors in the progress of the trial, none of which, however, were considered by Judge Pugsley, of the Common Pleas Court, except whether Ariosa coffee, prepared so as to consist of roasted coffee, coated or glazed with a mixture of sugar and eggs, constituting a transparent and exceedingly thin film, and each package labeled, "Ariosa is a compound made from coffee, sugar and eggs," with formula stating percentage of each following, is a mixture or compound within the meaning of the law. Judge Pugsley thought it was. The court below had ruled otherwise. The state prepared to take the case to the Supreme Court of Ohio, for its ruling on this point, but the Supreme Court has not yet rendered a decision upon this point in this case.

Meantime, and before the decision of Judge Pugsley, which was rendered on November 14, 1901, the Arbuckle Brothers commenced an injunction suit in the Circuit Court of the United States, in the Southern District of Ohio, at Cincinnati, to restrain Commissioner Blackburn from stating or charging that Ariosa was adulterated within the meaning of the Ohio statute, and that the use of their said process of coating and glazing coffee was a violation of said statute; from charging Arbuckle Brothers or any dealers in Ariosa with violating said statute by selling or offering Ariosa for sale, or with adulterating food by such treatment and coating of the coffee; from charging them with violating the law by adopting and using such process of coating or by selling or offering for sale Ariosa so glazed; from charging any dealer in Ariosa with the possession, offering for sale, or selling of an adulterated product, in having in their possession, offering for sale, or selling Ariosa so glazed; from menacing and threatening any dealer in Ariosa so glazed, with prosecution for having in his possession, offer-

ing for sale, or selling such Ariosa; and from instituting or commencing against any person for having in his possession, offering for sale, or selling Ariosa, any action, suit, proceeding or prosecution, based upon the treatment and coating of the coffee with such preparation of sugar and eggs, according to their formula and process. The injunction was based upon allegations that the complainants and their predecessors had been engaged for more than thirty years in the manufacture of Ariosa, described as I have stated, though set out in great detail, and also set out certain rights that they had by reason of letters patent upon part of the process, and that their stock on hands in various parts of the United States amounted to about one million pounds, which was worth over one hundred thousand dollars, and further, that Commissioner Blackburn was falsely and erroneously construing the provisions of the statutes, to which I have referred, and that he was doing the things which they prayed, in conclusion, that he be restrained from doing, and that he was about to institute a large number of prosecutions upon the wrongful and erroneous charge that the treatment of Ariosa by this process was in violation of the statute and that his official position was leading dealers and consumers to doubt the healthful character and proper preparation of Ariosa, and that he had sent out a circular, to which I have referred, and that such acts on his part were causing irreparable injury to the Arbuckles in their business.

They further claimed that the construction of the statute, as made by Commissioner Blackburn, was in conflict with the Fourteenth Amendment to the Constitution of the United States, in depriving them of their property and destroying its value as an article of commerce by prohibiting its sale in the state of Ohio.

Testimony was offered in proof of the allegations in the Circuit Court below, but the Circuit Court dismissed the bill of the complainants and refused to grant the application for injunction. Whereupon the Arbuckles, being defeated in the court below, took their case, on error, to the Circuit Court of Appeals, which court, consisting of Federal Judges Day, Lurton and Wamy, in a long decision sustained the court below in dismissing the bill of the Arbuckle Brothers and refused to grant the injunction. The decision is meaty throughout and furnishes a solid foundation of stone, upon which every Dairy and Food Commissioner can safely stand and courageously proceed with the prosecution of the violators of the laws against the adulteration of foods and drinks in every state.

I will quote the seven paragraphs of the syllabus in full, as a conclusion to my remarks upon this legal victory of Commissioner Blackburn of Ohio, which I consider one of most signal import-

ance to the food departments of the states. They are as follows:

1. Federal Courts Cannot Subvert State Criminal Laws.

The Federal Court has no jurisdiction to subvert the administration of the criminal laws of a state, and deny the right of trial by jury by substituting a court of equity to inquire into the commission of offenses which it would have no jurisdiction to punish if the parties were found guilty. This rule applies to prosecutions under the pure food laws, Sec. 4200-1, Ohio Rev. Stat. et seq.

2. No Jurisdiction to Enjoin State Prosecutions.

A proceeding in the Federal Court to restrain an officer of a state from bringing prosecutions for violations of an act which he as such is expressly charged to enforce, in the only way he is authorized to proceed, by bringing prosecutions, that is, in the name of the state, virtually enjoins the state from acting through its qualified and acting officers, a jurisdiction which the federal courts are denied under the Seventh Amendment to the Constitution of the United States.

3. Fact that Property Rights are Involved Does Not Confer Jurisdiction.

The fact that property may be indirectly affected and injured by a criminal prosecution against the accused, notwithstanding the charge is unfounded and wrongful, does not give courts of equity jurisdiction to enjoin criminal proceedings. Every citizen must submit to such accusations if lawfully made and look to the vindication of an acquittal and such remedies as the law affords for the recovery of damages.

4. Section 4200-6, Ohio Revised Statutes, Is Constitutional.

Section 4200-6, Ohio Revised Statutes, making the coloring, coating or polishing of an article of food whereby damage or inferiority is concealed an offense and providing that it shall not apply to mixtures or compounds if the packages in which the same is sold or offered for sale be distinctly labeled as such, does not undertake to prohibit the introduction and sale of a pure article of food sold for what it really is, but instead to protect purchasers of food from imposition and is clearly within the police powers of the state. The act is not unconstitutional in that it interferes with the right of Congress to regulate commerce.

5 Construction of Food Laws—Discretion of Commissioners.

The constitutionality of an act is to be determined by its language and purpose and not by the alleged wrongful institution of prosecutions thereunder against those not guilty of violation thereof. The fact then that the dairy and food commissioner of Ohio may in the exercise of his discre-

tion place a wrong construction on the pure food laws and institute proceedings thereunder, does not render the act unconstitutional, nor authorize injunctions against prosecutions thereunder. The fact of guilt or innocence of the accused must be decided by the proper tribunals of that state and not by injunction in the federal courts.

6. Notice to Dealers—Libel—Injunction.

The dairy and food commissioner of Ohio may properly advise dealers in foods of contemplated prosecutions against the manufacturers thereof. If the publication is libelous the law affords the remedy, but in no case is it a ground for an injunction to restrain the prosecution of actions for the violation of the pure food laws.

7. Letters Patent Do Not Protect Food Process.

Nor will the fact that a food product is produced under a process protected by letters patent protect it from coming within the operation of laws passed in the exercise of the police power of the state, to-wit, the pure food laws.

Minor Decisions.

The law of Ohio does not provide for the giving of a part of any sample, taken by an inspector, to any person, from whom taken. Our Supreme Court has not yet had the question before it, of the right of a seller to demand part of the sample sold. The Court of Common Pleas, in the case of Breckenridge v. State, 3 Nisi Prius, 313, has, however, held as follows:

"Analysis of a portion of the substance on which the prosecution is based, may be ordered by the court, but this not being like inspection of documents required by statute, is discretionary. If granted, the defendant cannot dictate the selection of the expert, but the justice should select him and the analysis should be in the presence of the other party, the state's expert, and under the supervision of an officer of the court. It should be refused if the analysis will destroy all the substance for evidentiary purposes, or if defendant's motive is merely to find out the state's case, or is out of curiosity, or is vexatious."

While Mr. Grosvenor was talking and claiming it should be the province of the court and not the jury to decide whether an article is a preservative or not, the New York case occurred to me, of *People v. Hillman*, in 69 N. Y. S., 66, where it was held that the court will not take judicial notice of the color of natural butter, in a prosecution under the laws of 1893, c. 338, as amended by laws of 1897, c. 768, prohibiting the sale of oleo-margarine manufactured in imitation of natural butter.

I also quote another case, as hardly sustaining Mr. Grosvenor's contention, namely, the case of *People v. Biesecker*, 68 N. Y. S., 1067, affirmed in 169 N. Y., 53:

Laws 1893, c. 338, Sec. 27, as amended by Laws

1900, c. 534, provides that no person shall expose for sale any dairy products containing a preservative, other than certain kinds, and that no person shall induce any other person to violate the provisions of the act, and that any person selling any preparation for use in violation of such law shall be guilty of the violation of the act, is not a legislative determination that such preservatives, other than those specified, are injurious to the public health, and unwholesome adulterations of dairy products, as it does not make the introduction of such foreign substance, however injurious an adulteration, or such an adulteration illegal, except where the substance is introduced for the purpose of preserving them; and the provision is unconstitutional, because absolutely forbidding the sale of articles of food containing any preservatives other than these excepted in the act, though such food is not thereby rendered unwholesome.

And also in *People v. Biesecker*, 68 N. Y. S., 134, affirmed 1901. 68 N. Y. S. 1067:

Laws 1893, c. 338, Sec. 27, 37, as amended by Laws 1899, c. 435, and Laws 1900, c. 534, prohibiting the sale of any butter or other dairy product containing a preservative, except salt in butter and cheese, and spirituous liquors in cheese, and sugar in condensed milk, and prohibiting the sale of any preservative substances to be used in violation thereof, and providing a penalty therefor, are unconstitutional, as a restriction on the general right to sell preservative substances.

What I have said is hardly a logical discussion of Mr. Allen's paper, or of the subject assigned: I have intended to call your attention only to some cases that have interested me as showing the importance of Pure Food Law, and its growth, and to remind you that the proper and successful prosecution of cases against violators of these Pure Food Statutes, will more and more require the services of counsel skilled in this particular field, as the decisions involving the enforcement and construction of the various statutes, and the subtleties of the defenses to them, become more and more voluminous.

PRESIDENT JONES: We have all been very much interested with these discussions and when these discussions and addresses are all in print I think they will be of great help to every member of the association.

As we are somewhat crowded for time I think we had better proceed to the next topic, "Enforcing the Pure Food Laws in the West."

MR. BLACKBURN: I have been spoken to by at least half a dozen members of this association to-day in regard to some matters we ought to bring up for the Executive Committee's consideration. I think it is absolutely necessary that we have an extra session to-night for there is Mr. Sherwood, Mr. Doolittle and myself each down for a paper each to be dis-

cussed by two members and it would be utterly impossible for us to finish that program in time for dinner this evening. For that reason I move you that we now go into executive session, and that when we adjourn for a recess that it be to meet at eight o'clock this evening.

PRESIDENT JONES: Is not that a little late?

MR. BLACKBURN: I don't think so, if we have an executive session. It is now six-thirty.

MR. BAILEY: I want to state that there has been some complaint about the noise on the outside here and we can secure another hall for to-morrow if we want it.

MR. JONES: What do you think about it; where would the hall be?

MR. BAILEY: On First street; three or four blocks from here.

MR. HEINER: I would like to ask a question about this other hall; is it more quiet; is it a better place than this?

MR. BAILEY: It is on the second story, it is a larger hall and it is absolutely quiet.

MR. HEINER: Mr. Chairman, I move you if we have such an opportunity that we meet there. While we have had a good time to-day the noises in that other room have tended to take away our thoughts from the papers so that we did not get the benefit from the meeting that we ought.

Motion seconded and carried.

MR. BAILEY: Then this evening we will meet here and to-morrow we will meet at Odd Fellows' Hall, First and Alder streets.

MR. MONSON: Mr. Chairman, you are not adjourned now, are you?

PRESIDENT JONES: No; the motion is that we go into executive session. Are you ready for the question?

MR. MONSON: Just a word on these decisions—court decisions, while we are on that line. I would like to add a few remarks in regard to some decisions and some suggestions in our state, if it is in order now, before we get into any other business.

MR. JONES: Well, Mr. Monson, would you agree to postpone it until in the morning; then we could get it in shape to put in the report. You could write it out to-night and you could have an opportunity to put it in to-morrow, or, for that matter, at our evening session. If we do this now we will be hurried for time before dinner. We will call it up at the evening session.

Motion to go into executive session carried.

EVENING SESSION, WEDNESDAY,
JULY 9TH, 1902.

The Convention was called to order by President Jones at 8 o'clock p. m.

PRESIDENT JONES: I would like very much

for you to come up around here as close as possible. The acoustic properties here are very poor and it is hard for the speakers to make themselves heard.

I want to congratulate you, gentlemen, upon the way we are getting along with this program. I think we have been doing very well, and I believe to-night we can do even better.

The next thing in order is THE ENFORCEMENT OF PURE FOOD LAWS IN THE WEST, and for that topic has been assigned Hon. C. P. Sherwood, Dairy and Food Commissioner of South Dakota.

ENFORCEMENT OF THE FOOD LAWS IN THE WEST.

Mr. President and Gentlemen:

I shall not attempt in this short paper to discuss the question of enforcement of food laws in the entire West, but confine myself principally to the work in my own state with an occasional reference to others, anticipating that those who follow me will cover their own work.

From a financial standpoint South Dakota is perhaps at the foot of the column of food law states, and yet we are not prepared to admit that we are accomplishing the least of any of the commissions. Like many other states our legislature passed a food law and left it to enforce itself. After two years' trial it was found that sheriffs and health officers were not interesting themselves in pure food law enforcement, and a year and a half ago a commission was established and a small appropriation made. The commissioner has under his supervision four laws—pure food, dairy, linseed oil and whiskey. Besides having but little money to work with we are hampered in other ways. No prosecutions can be conducted and convictions had before a justice of the peace, because the penalty provided is so heavy that they do not have jurisdiction. The defendant must be bound over to the Circuit Court and the trial is thereby delayed in some instances for months. Should we succeed in securing a conviction, and the penalty is a fine, the school fund and not our own gets the money. Consequently we were forced to adopt a plan different from that in vogue in most of the states, and instead of prosecuting the retailer we have gone after the manufacturer, and that with very satisfactory results. As is customary, we believe, vinegar was one of the first things in the list of foods to be tackled. South Dakota has long been the dumping ground for whatever could not be sold in the older states. Our people were too busy improving and building up a state to pay attention to such small matter as the quality of foods they were eating, and the salesman soon found that "any old thing" went in South Dakota.

Samples of various brands of vinegar were secured and analyzed, and reports made to the manufacturer, the jobber, and the retailer, and then

the fun began. We were called all sorts of names, charged with having an inexperienced chemist, taking samples in a molasses measure which was responsible for the coloring found by the chemist, using a bottle which had just been rinsed out with water and had not yet dried, which reduced the strength, and so on. Using a wine barrel which had not been properly cleansed is a general excuse for color, but the exchange of a few letters has invariably brought the admission that coloring matter had been used by the employees, or solids in the form of boiled cider had been added, which would show in the color tests. Ninety per cent of the vinegar we have analyzed has shown color. The "cheap John" jobber who was supplying a colored grain vinegar and calling it cider has been driven out, and the quality of goods now being sold, while not entirely up to the standard, is very much improved, and in most cases genuine cider goods. One discovery we have made in the past few months is that there are very few vinegar manufacturers, or even refiners, in the country. Nine-tenths of the so-called manufacturers are only jobbers. At first these put on a bold front and claimed that they knew all about their goods, but later it developed that they knew nothing about them. A company in Kentucky in a recent letter to us stated: "We have no manner of making cider vinegar except the old-fashioned way and never in any manner add solids or coloring matter to it," referring to a certain brand they were selling in our state. Later a letter came from a New York vinegar firm stating that they had supplied the Kentucky company with this brand of vinegar.

At our last meeting the subject of glucose syrups was quite extensively discussed. We have since effected quite a radical change in the labeling of these goods. Analyses showed that all of the sorghums and syrups sold in pails and much of the barrel goods was glucose flavored with cane syrup or sorghum. After some correspondence with the manufacturers we succeeded in having the labels changed. They now give the true name of the product, and if a mixture the per cent of the ingredients. Names suggesting another product are no longer used. The change in labels is not confined to South Dakota shipments alone, but is universal.

Lard has also received some attention and a like change in the labels effected. All of the packing houses put out a compound made of cottonseed oil and beef stearine. This went under the name of "Lard Compound," with no explanation of its true character. We succeeded in having the label changed to this form, "Lard Substitute, 80 per cent cottonseed oil, 20 per cent beef stearine." The South Omaha packers are now using no other label on their product, no matter into what state it is shipped.

The subject of oleomargarine, which has occupied so much attention and time from the other commissioners, has not troubled us. It is not being sold in the state though a few are sending to Kansas City for it for their own use.

Our merchants take very kindly to the food law and all are anxious to see it enforced. We find very little disposition to evade the law, but on the other hand the quality of goods being handled by our merchants is constantly improving. One country merchant with a miscellaneous stock of goods—hardware, dry goods, groceries and harness—procured a rubber stamp and marked all his food products “compounded and adulterated” for fear something might be illegal. You may depend upon it his next purchases were confined to goods guaranteed to conform to the law’s requirements.

I have told you in a sort of rambling way of our work in connection with foods. In Minnesota very aggressive work has been done. Much time during the past year has been devoted to preservatives in meats, and now the Supreme Court of that state gives their commission a blow by knocking out the law prohibiting preservatives except as it applies to dairy products. North Dakota has a food law but no appropriation. Iowa has no food law, though they have a dairy law and a commissioner who is doing extensive work along dairy lines. Nebraska has a food and dairy law and a commissioner.

I believe if we had more uniform laws and kept more in touch with one another we might accomplish better results and secure the more hearty cooperation of the manufacturer. I am sure the present meeting will do much in this direction and be of great benefit to us all.

I thank you.

PRESIDENT JONES: The discussion of Mr. Sherwood’s paper will be opened by Commissioner Bailey of Oregon.

MR. BAILEY: Mr. President, and Gentlemen of this Convention: When I received a letter from your secretary asking me to take this topic I told him my time and energies would be devoted to things of more interest to you than this program; and I heard nothing further about this until a few days ago and have given it only a few minutes’ thought, and am not going to. But we have one commissioner here who is on for a discussion and who is amply able to handle this subject, and that is E. A. McDonald of Washington, so I am going to turn this matter over to him. But I will say that if you want to come to the police court to-morrow at 1 p. m. we have a case coming up there and we will show you, in a practical way, how we enforce the food laws in Oregon. I will say, further, that we had this man up a few weeks ago and we proved the charge against

him, but when we got through the court dismissed the man. I asked him what was the matter and he said the complaint was not drawn up right. I told him to draw it himself and I think to-morrow he will admit that it is drawn all right.

Now I am going to turn this over to E. A. McDonald and let him see if he cannot handle it properly.

PRESIDENT JONES: Ladies and gentlemen, the next one on for discussion of Mr. Sherwood’s paper is Commissioner McDonald—Commissioner McDonald of the State of Washington.

MR. McDONALD: I wish, Mr. President and gentlemen, to thank Mr. Bailey for his kindness in turning this subject over to me. Of course there is no question but I have the ability to handle this great and important subject.

I have not prepared a paper on “The Enforcement of the Pure Food Laws in the West,” but have studied over the subject and wondered why they put it “enforcement of pure food laws in the West.” It seems to me evident that they had divided the United States into the East and the West, and almost seemed to imply that the laws, customs and habits of this Western country were different from the laws, habits and customs in the East; and, in fact, there are some Eastern people who would divide this nation of ours into three divisions—the East, the middle West and the West. The New England states would be the East, the Middle and Southern states would—I mean that they would divide it into the civilized, the half civilized and the barbarous. The Eastern states would be the civilized, the middle and southern states would be the half civilized; and the western states would be the barbarous. But I am happy to state that the commissioners are better informed and realize that the civilization of the West will rival the civilization of the East. We intend to build commercial temples in the cities of Seattle, Salem and Portland, which will rival the commercial houses of New York, Chicago and St. Louis. And we hope to convince you before you go that the Pacific ocean during the next fifty years will cross swords with the Atlantic for commercial supremacy. Why this division is made I do not know.

However, the question of enforcement of food laws in the West is not a new one. It is a big proposition. In the State of Washington we first had a dairy law. That seems to be the forerunner of a food law which is evidence that the producing classes are really the cause of the pure food laws. After a dairy law had been enforced for a couple of years the first pure food law of Washington was placed upon the statute books; and as you all know the first law is generally put through hurriedly and somewhat thoughtlessly,

and is not usually carefully prepared. I happened to be the first Pure Food Commissioner of the State of Washington. It is always difficult for a pioneer to break the way.

The first pure food law was general in its provisions and not specific and consequently it devolved upon the Commissioner to make rulings upon the different food products. This is no easy task for a person who has not received some education along these lines. I took up the work very cautiously, feeling that to make a mistake in the beginning of my work would be a very difficult thing to rectify afterwards. I secured all the information I could get from the older states in regard to the different food products and rulings thereon, and I corresponded with the Department of Agriculture and received from them such information as they had to impart, and I then laid down a set of rulings—published them, which was necessary, as the trade demanded something definite on which they might depend in changing their stocks of goods. They said, "We do not know what this law means; we do not know what is adulterated and what is not." Suffice it to say that the first pure food law was defective in one particular and that was that the percentage of ingredients of food products was required to be stated upon the package. It virtually compelled the manufacturer to publish his formula, if the law was enforced. I gave that matter a great deal of study and believed, after consultation with counsel, that it would be unconstitutional—that you could not force a manufacturer to give away his formula. I looked upon it in that way—in the same way I do upon a patent. If a man has spent years and years of study upon some particular brand of goods or some condiment, it was not reasonable or just that they should be obliged to give that formula up so that others could reap the advantage of their ingenuity, of their knowledge or skill, as the case might be. So I simply passed over that feature of the law until the legislature met two years afterwards, and we then passed the present pure food law, which I believe is one of the best food laws in the United States. It is true that it is also general in its provisions and that is probably one objection to it. It was drafted after the Brosius and Babcock bills, and part of it is exactly similar to the bill you heard read by Mr. Hamilton here to-day. We have been operating under that law for two years, and I find that it commends itself to the trade as being an intelligent measure.

I look upon pure food laws as more educational than criminal. I believe they want to be dealt with on broad business lines. The Commissioner who is narrow I do not think has a right conception of his duties. I find that the manufacturers, the wholesalers and the retailers are all in sym-

pathy with this work, but they ask for a little time in which to dispose of their stock in hand; and they ask for time in which to learn something definite so that they may know just where they are going.

The great difficulty in the enforcement of food laws comes from the fact that you cannot enforce the law on those who ship goods in from other states. I believe that the best means really of enforcing the food laws is by the power of seizure. It is a quicker and easier way than any other—this having the right to seize and by order of the court confiscate or sell the goods. It seems to me the easiest way to get at it. It is a better method than prosecution.

There are a great many difficulties in the way of the enforcement of the State Food laws, and one of the difficulties in our state is the apathy of the prosecution. The duty of enforcing the pure food law is placed upon the prosecuting attorney and the attorney general, there not being sufficient appropriation made for the Commissioner to hire special counsel; so he is really at their mercy. I wish to state here that the prosecuting attorney and the attorney general in our state have aided me to the extent of their power in the enforcement of these laws, but still it is slow work. The violations of these laws are made misdemeanors. They are not made crimes per se, and attorneys are inclined to look upon them as not of much importance; and so they take up the other criminal cases and these they think they can push over. Of course if the appropriation was larger so that he (the Commissioner) could hire special counsel he could get along much better and often more rapidly than he does.

Another difficulty in the way of enforcing the pure food laws is the leniency of juries. To illustrate: A milk inspector of Seattle and I co-operated in a milk case. The milk dealer was found to have put formaldehyde in the milk as a preservative. He was found guilty in the justice's court and the case was appealed to the Superior court. He asked for a jury; the jury reversed the verdict of the lower court and brought in a verdict of "Not guilty." The jury agreed that he put formaldehyde in the milk, that the formaldehyde was there, but they said there was not enough there to hurt anybody. Now, that is one of the serious drawbacks to the enforcement of the law, this trial by jury. I believe that these cases should all be tried by the judge. A jury is composed so often of twelve honest men, but twelve men may not be competent to weigh the evidence in a case of this kind. It is too technical a question. They have no knowledge of the matter and they cannot bring in an intelligent verdict. So, I believe, that pure food cases should be tried by a judge.

Then, too, juries are swayed more or less by their belief in the honesty of the persons being prosecuted. You take a grocer in a town, and he is arrested for selling some adulterated article. You have for your jury twelve men who have gone into that store and have dealt with that grocer for ten or fifteen years. They know that he is honest, for they have found him so in all his dealings with them. He states that if he had known the goods were adulterated he would not have sold them; and they believe him. My experience is that you cannot get twelve men that will convict a man under those circumstances, and therefore that is a difficulty in the way of enforcing the law.

Still another difficulty in the way of enforcing the law is the disinterestedness of the consumer. The rich pay very little attention to what they eat, whether it is healthful or not. The poor are too busy keeping the wolf from the door to pay any attention whatever to it, or to give it even a passing thought. It is hard to create a sentiment—or, rather, I should say, it is hard to make the general public realize the importance of the pure food laws. The press is a great factor in creating sentiment. The press of Washington have always upheld the pure food laws and have always upheld my work throughout the state. But the editors are human. You will find in their columns paid advertisements which the ordinary reader believes are editorials in regard to some particular food. Indeed, I believe it ought to be a misdemeanor to advertise falsely through the press. So, I say, the editor takes this view, that the advertiser pays for so much space in his paper and that space belongs to him, and he has a right to put into that space whatever he wants. Of course, in the editorial page, he says, I am responsible for whatever is on the editorial page, but I am not responsible for the advertisements; and yet that same advertising is having a very harmful effect.

But there is yet another difficulty in the way of enforcing the pure food laws, and that lies in the path of the chemist. Now I have been asked sometimes, "Mr. McDonald, is a maple sirup really pure?" Well, I say, if you mean by pure that it does not contain glucose, I say yes; but if you say it is pure maple sirup, I say I don't know. I believe I am making a correct statement when I say you can mix cane sugar with maple sirup and it cannot be told by the aid of chemistry. Such being the case, adulterated maple sirup will be sold until such time as a method is devised whereby this adulteration can be detected.

Now there are many knotty questions of this same kind and nature that have not been settled, and until they are settled they will be difficulties in the way of enforcing the pure food laws. Notwithstanding all these difficulties in

the way of enforcing the food laws in Washington, the standard of foods in our state is very much higher than before the passage of the law. Before the passage of the law the dealers throughout the state tried to see how cheaply they could buy an article. I believe a traveling man that would to-day adopt that policy would starve to death. Instead of going in and telling a grocer how cheap an article is, he now goes in and tells him how good the article is, and that he will guarantee it.

There is a difference in our laws from that of most of the other states. If a grocer has a guarantee of purity from the manufacturer he is exempt from any law and the party who sold to him is responsible for the goods. I suppose that is a wise provision. Of course it makes it difficult in one way, and that is where the goods are shipped in from another state it makes it very difficult of prosecution; but the very fact that the grocer demands a guarantee makes the man who sells him the goods very cautious, and if you find him without the guarantee you can condemn the goods. It is not so much the payment of the fine they fear, but the fear that certain brands of goods will be exposed as being adulterated.

Now there are some rulings that we have made that I would like to bring up here, more particularly to draw out discussion in regard to them. I have condemned the use of saccharine as a food. I do not believe that it can be classed as a food, and yet, of course, you all know that one of the firms whose advertisement is in our book, that their goods are sweetened with saccharine. Of course that not only serves the purpose of sweetening, but by acting as an anti-ferment or antiseptic, prevents fermentation.

I want to ask the Commissioners of the other states if they pass those goods.

MR. BAILEY: They don't pass in this state. I found some of their goods and condemned them.

MR. ALLEN: We consider saccharine an antiseptic in Kentucky and goods containing it must be so labeled, and in the last few weeks we have had two cases in which men were prosecuted for having as an antiseptic saccharine in their goods. I think this firm was one of them.

MR. BAILEY: Those cases have not been decided?

MR. ALLEN: Yes; and decided in our favor.

MR. McDONALD: Well, yes; and of course I had also reference to the use of copperas in pickles for coloring and also to the use of salicylic acid. Those three things (saccharine, copperas and salicylic acid) were condemned in my rulings.

The longer I study pure food laws the more I am led to believe that if all the truth is told

on the package, that is all that is necessary, provided there is nothing in the food that is injurious to health. This will bring in the question of antiseptics and also the question of coloring. I believe that we ought to be practical as well as theoretical; and before we attempt to prohibit the use of antiseptics and of coloring we should be very careful, and we should go very slowly. I believe each of them has its place. We know that on the question of dress we find people like to have variety—they like to have different goods, different styles and different colors and all these are supposed to make the dress more beautiful. I do not believe that anything should be excluded from a food product that makes it more pleasing to the eye, provided it is not injurious to the stomach.

As I said before, in what little I had to say in regard to the National Law, I am in favor of standards being laid down by the national government, clean cut, so that we can hue right to the line. As soon as there is a standard laid down by an impartial tribune, such as the committee of five would be as provided for in the bill read by Mr. Hamilton, then the commissioners of the different states at the next legislature will have their laws changed to conform with the National law, and these standards will also be the standards of the different states, and many difficulties will be removed in the enforcement of the pure food laws.

Now the question of vinegar is one of the hardest problems, I presume, that we have to deal with; not cider vinegar, but other vinegars. There are so many different kinds of vinegar that it is hard to make a rule governing them all. I presume a short rule excluding the use of all coloring matter in vinegar would be the cleanest rule that could be made as to vinegar. I believe you have a law like that in Oregon, have you not, Mr. Bailey?

MR. BAILEY: Yes.

MR. McDONALD: I still believe that if a person marks a package, places the truth on the label, says that a certain percentage of antiseptic is used therein, or that a certain vegetable coloring is used, and if the amount used and all those facts are on the package, that you could not condemn that food product.

MR. BAILEY: I have to differ from you there. I believe that if a food is colored to imitate something else—if oleomargarine is colored it is colored to imitate something else, and I believe it can be prohibited, and it is done. The same way with vinegar. It can be prohibited if it is colored; we do it here.

MR. McDONALD: While that may be true, I am only stating my own opinion that in the final outcome of the food legislation that if the

truth is told on the package, if all the information is on the package, and it is not injurious to health, I believe that is all that will be required, and that is all that is covered by the Constitution of the United States.

MR. SHEPARD: Right along in this connection Commissioner McDonald, I would like to ask you how you are going to protect the consumer by a label on the package. The retailer buys his vinegar by the barrel and they come with jugs, bottles, quart cans, etc., and how are you going to have this vinegar labeled in the small quantity the consumers get; and now, especially, how are you going to get the label on the vinegar cruets?

MR. McDONALD: I believe that was answered properly by Mr. Hamilton, who stated that it would be proper to put the bottle, no matter how small, on the table; and the same would be true with vinegar just the same as with catsup. If the grocer puts a sticker on the package which he sells it could not help but be seen.

I just wanted to bring up that point; that is all.

MR. PATTERSON: Might I ask you a question? In making your ruling on condemning goods in a wholesale manner, such as where you state you condemn a certain class of goods, now do I understand that on one analysis of a certain class of goods you make a ruling that all that firm's goods are bad?

MR. McDONALD: Well, if I mentioned that probably I stated in regard to saccharine—was it not that? I stated that I condemned the use of salicylic acid, saccharine and something else—copperas, I believe, but I do not think I stated that I condemned any brand of goods.

MR. PATTERSON: I understood you a certain class of goods or the goods of a certain firm.

MR. McDONALD: No; I did not mean to say that. If I did that I wish to withdraw it. Our plan of operation is that we send a certain sample to the chemist and that one sample is the only thing we have anything to say about. We may take another sample of the same brand of goods a month or two months later and find them also to be adulterated; but we only pass on that particular sample which has been analyzed and found to be adulterated.

MR. PATTERSON: Along that line you spoke about the newspapers advertising a great many classes of goods. I understood you to say that the newspapers should not advocate those goods, or that they should know what the goods consisted of before they allowed the advertisement to go into the press. Now that is what this association is for as I understand it. We

ought to find out and let them know; that is my judgment.

MR. McDONALD: Well, I am going on the supposition that if they had that knowledge they would still put the advertisement in. I would not criticize the press and I would state that certain spaces are paid for by the advertiser and that space is held for him and the advertiser puts in there just what he pleases.

MR. PATTERSON: Well, you know it would be impossible for the press throughout the United States to ascertain about the quality of all the large number of brands of goods, whether they are pure or whether they consist of wrong ingredients. It may be that certain brands of goods are advertised without them knowing their quality.

MR. McDONALD: I am not condemning the press.

MR. PATTERSON: I understood it that way.

MR. McDONALD: I took particular pains to say that the press sold this advertising space all right and that they felt that they had nothing to do with that space which they had sold. But it is unfortunate, I said, that there are such articles appearing as if from the pen of the editor when they are really paid advertisements.

I have taken up really more time than I expected to on this subject.

MR. JONES: The next topic for discussion is A REVIEW OF THE LAWS AND RULINGS REGULATING FLAVORING EXTRACTS. Professor R. E. Doolittle, State Chemist of Michigan, is assigned to that subject or topic.

A REVIEW OF THE LAWS AND RULINGS REGULATING FLAVORING EXTRACTS.

It has always seemed to me that at the meetings of this association we receive more benefit from the general discussions that follow each paper than from the papers themselves. It is in these discussions that we learn of the difficulties that have actually confronted the commissioners in the discharge of their official duties and of the various means used to overthrow them; of the different opinions regarding the interpretation of confusing sections of the food laws, and the limits of the powers and duties conferred by such sections. We all come here expecting to learn something, and most of us generally have some puzzling questions that we hope to receive light on. This is especially true of myself regarding the subject of Flavoring Extracts.

But this is an important subject to all interested in the enforcement of pure food laws, for I believe that in proportion to the number and value of sales made there is no class of food products so grossly adulterated as that of flavoring extracts. Fifty years ago there were no flavoring extracts of any kind made in this country; to-day

every grocery and drug store carries large stocks of this seemingly household necessity, and out our way even the country is filled with house to house peddlers of this product. But this popularity is in immediate danger of destruction unless steps are at once taken to raise the standard of quality and drive from the markets those cheap imitations of the true product.

In order to better understand which sections of the food laws are applicable to these products it would perhaps be well to briefly review the adulterations and frauds practiced. Of the several flavoring extracts on the market that of vanilla is the most important. The true vanilla extract is made by macerating the vanilla beans with sugar and extracting the mass with alcohol. The adulteration consists of substituting wholly or in part the cheaper tonka bean for extraction, or by making solutions of artificial vanillin, artificial coumarin, or both, in dilute alcohol colored with caramel. The extract prepared from a mixture of vanilla and tonka beans is preferred by many and no doubt is a legitimate article of trade and is salable under most of the food laws of the different states when labeled as an "Extract of Vanilla and Tonka." The sale of such an article for pure vanilla is clearly a violation of the first or second provisions of the General Food Law, which holds that an article shall be deemed adulterated: First, "If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity," and second, "If any inferior or cheaper substances have been substituted wholly or in part for it." The addition of caramel or other coloring substances to extracts of vanilla appears to me to be a violation of section six, which holds that an article is deemed adulterated "If it is colored, coated, polished or powdered whereby damage or inferiority is concealed or if by any means it is made to appear better or of greater value than it really is." As is often said, "The color of vanilla extract is an indication of its strength, and coloring in such cases would be used for the purpose of concealing inferiority, and of making the article appear better than it really is." The sale of alcoholic solution of vanillin and coumarin colored with caramel is prohibited by section four, which holds that an article is deemed adulterated "If it is an imitation of, or is sold under the name of another article." Solutions of vanillin crystals in alcohol can in no way be considered an extract if my comprehension of the meaning of the word extract is correct.

Lemon extract stands next to that of vanilla in importance and is the one in which I myself am particularly interested just at present. In our state we have the vanilla extracts in a very good condition, by this I mean there are not many adulterations by means of the addition of foreign

substances to be found. I know there are many that are low in quantity of vanillin, but that is a question of standard that I desire to discuss separately. We have done much work in the laboratory on the subject of vanilla extracts and it has resulted in practically entirely new methods for the analysis of this product.

A few months ago I had the inspectors secure samples of the different brands of lemon extracts for sale in the state. Something like a hundred samples have been received up to date. Of the eighty-six so far analyzed forty-four show no oil of lemon or at least not enough for estimation; only eight are above 5 per cent, and all except six are colored with some foreign coloring matter, most all of which are coal tar dyes. As you are all aware, the extract, spirit or essence of lemon of the United States Pharmacopœia is a 5 per cent solution (by volume) of the oil of lemon in strong alcohol, colored with lemon peel. The substitution of any foreign oil or other substance for the true lemon oil would clearly be a violation of the sections already cited. The use of wood alcohol in the place of the grain alcohol would be within the provisions of the law as it is an article injurious to health. But what about the foreign coloring used? I wish to state right here that as a chemist I am opposed to the use of all artificial coloring matters in food products. They serve one of two purposes, either to give imitation products the appearance of the genuine (and the majority belong to this class) or merely to render the article more attractive to the eye. Both of which are to deceive in a more or less degree. Many are injurious to public health, a majority are probably not. The chemist can as a rule distinguish as to their presence or absence, but owing to the lack of a decisive test and the presence of interfering substances he often finds it impossible to name the particular dye or dyes present, and when you add to this the number of new dyes that are being patented every month you can comprehend some of the difficulties that the chemist must meet. If we allow some dyes to be used simply because we believe them to be harmless to health it is quite probable that others which may be injurious will escape detection.

But to return to their use in lemon extracts and the application of the food laws to the question. I find that most all the states admit the use of artificial coloring in lemon extracts either directly by stating it in their rulings or by implication by not mentioning the matter at all. The latter has been our method in Michigan, I guess. Though not very well posted on questions of law I myself do not see how their use can be prevented by any of the provisions of our own statute. Perhaps some one present who has had more experience along this line will give us some light on the question.

Another question that is of importance in this connection is that of standard. The United States Pharmacopœia specifies 5 per cent of lemon oil for lemon extracts, and the use of one hundred parts of vanilla beans in one thousand parts of dilute alcohol for the vanilla extract. With the exception of perhaps one or two states none of our laws refer to the United States Pharmacopœia or any other authority as a standard. Then how are we to require 5 per cent, for instance, of lemon oil in the lemon extracts and keep our rulings within the provisions of the law. I make these statements not with any idea of criticism but for information. Several states have such rulings; I wish we had the same in our state, for I am aware that we need this high standard for this much used product and I am also aware it would be better to have them colored with the lemon peel only, as given in the United States Pharmacopœia; but are we justified by such rulings from the law under which we operate? It weakens a department like ours to make a ruling and then have to back down, or, worse yet, to have the courts reverse it. "Be sure you are right and then go ahead" I believe to be as good a rule to follow in dealing with problems that arise from the enforcement of food laws as it is for those from other avocations of life.

Regarding the labeling and sale of the so-called artificial extracts I have very little to say. By an opinion given by a former Attorney General in Michigan we require these products to be labeled under an original or coined name and in such a manner as to show that they are a mixture or compound. As the wording of the exception that covers the labeling of mixtures and compounds varies some in the different laws of the states there can probably never be a uniform ruling made on this question. One thing, though, I do believe, and that is they should never be allowed to be labeled with the word "extract" at all. For they are not extracts in any sense of the word.

PRESIDENT JONES: The discussion of Prof. Doolittle's paper will be opened by Prof. Herman Harms, Chemist of Utah.

MR. HARMS: Mr. Chairman, Ladies and Gentlemen: I beg to state that I have not prepared a paper on this subject owing to the misfortune (probably fortunate for you) of not having had time to properly investigate this subject.

As a chemist I can heartily endorse the paper of Prof. Doolittle, and there are but very few points for me to criticise. Furthermore, we have two eminent authorities who will follow me in this discussion and to these gentlemen I will leave the floor. I will not take up your time.

PRESIDENT JONES: I believe Prof. Mitchell is not here, and he was assigned as one of the

chemists to discuss this question. The next is Dr. Eaton, State Chemist of Illinois.

Dr. Eaton: Mr. Chairman, I think that Prof. Harms took rather an unfair advantage of me in stating that there were two chemists on the program to follow him. I do not believe that I can occupy the place of two. And, again, I have not prepared anything on this subject. I was on the program to discuss one other subject and to prepare a paper to which I devoted most of my time. So I know that I cannot do this subject justice, and I hope some one will follow me who has given the subject more attention.

In the compilation of the food laws of the various states, as given in the last report of this association, there is a table of standards for food products of the various states in the Union that have state food laws. You can look over that table and find the rulings and the laws of the various states on the subject of extracts. On the subject of lemon extracts I believe there are but three states in the Union that have a standard of strength—Illinois, Wisconsin and Pennsylvania. These states all have the pharmacopoeia standard of five per cent oil of lemon; and Commissioner Blackburn says Ohio has the same ruling or law, which is it, on the subject.

MR. BLACKBURN: Law.

Dr. Eaton: The Commissioner of Ohio says they have the same law on the subject. That standard I do not believe is any too high. There are quite a number of extracts on the market (and the extracts most commonly sold) that contain more than five per cent oil of lemon, and some of them contain as high as eight per cent; and again there are quite a number of extracts of lemon sold which do not contain more than about three per cent; and perhaps it would be difficult for a person not an expert on the subject to detect the difference between a three per cent and a five per cent extract of lemon. A three per cent extract will readily pass for a five per cent on the market.

I can hardly endorse Mr. Doolittle's position in regard to coloring food products, as I can see very little harm in allowing the addition of coloring to pure articles. For instance, if you have a standard of five per cent oil of lemon, I can see no harm in adding a harmless coloring matter to please the eye. It is the same way with mustard. People have been educated to desire a more yellow coloring in mustard than the natural product gives, and therefore it is artificially colored, often with tumeric and sometimes with anilin; and where the coloring is harmless I can see no objection to its use in the ordinary article which is pure; and I think you can usually depend upon the chemist to tell you whether or not the article itself is pure. Even in cider vinegar, I see little harm in adding a

little caramel to cider vinegar made from light apples which yield a vinegar but little darker, in some cases than a low wine vinegar. I can see no harm in coloring that light vinegar to look like the cider vinegar people are accustomed to using.

In trying to establish a principle to govern the use of coloring in food products, it seems to me we might use this rule—that a coloring is permissible where it is not used to deceive the public in any way; that is, where it is used for the sake of uniformity say, as it would be used in the case of cider vinegar or butter; or for the sake of variety in coloring, as it is used in candy. I am not an Indian in my tastes, and yet I like a variety of colors, and sometimes rather bright colors, and I believe we are all pleased with a show of colors, even in the food we eat; and I believe that that part of our natures and our appetites might be pandered to.

In regard to essences other than lemon, quite a number of the states prohibit the sale of artificial extracts where the natural extract can be made. This is true in Wisconsin and in Illinois. I do not know if it is true in any other state, but I would like to know.

A number of states require vanilla preparations to be labeled with the name of each ingredient; for instance, Illinois requires the names of the ingredients, or, at least, the names of the two principal ingredients to be given, tonka, if it is used, and coumarin, if it is used; and a mixture of these with vanilla should be labeled like this:

EXTRACT OF
VANILLA
and
TONKA.

MR. BAILEY: Do you consider then that the anilin colors are objectionable?

DR. EATON: A great many are harmless and a great many are poisonous. As I said, I think it was this morning, a great many, which in themselves, would be harmless, are contaminated in their preparation with arsenic. But there are a great many anilin colors, especially those prepared for confectioners' use, which are perfectly harmless and, even in large quantities, do not have even the antiseptic action which a great many of the coal tar preparations have.

MR. SHEPARD: I would like to ask Prof. Eaton if you can (if the chemist can) distinguish between the different groups of coal tar dyes.

DR. EATON: The chemist can distinguish between the different groups of coal tar dyes, but very often he cannot distinguish the different members of a group—the individual coal tar dyes.

MR. SHEPARD: Are all the anilin dyes harmless? If we cannot distinguish between all these dyes, how is the chemist going to tell which to use?

DR. EATON: A chemist can easily distinguish, for instance, between a di nitro cressol and the methyl orange group.

MR. SHEPARD: But, Dr. Eaton, the point is right here; a number of the yellow dyes (and their name is infinite) keep coming and nobody knows where the end will be. What condition will the food commissioners be in if we go on admitting them? Now, that is the question, and it is a serious one, and I think we ought to be awful careful in the position we take as to the admission of these dyes.

MR. DOOLITTLE: Now in lomen extract there are at least two coal tar dyes almost exactly alike—Naphthol yellow and Naphthol Yellow S. Experiments have been made and it has been proven that one of these is injurious to health and the other is perfectly harmless.

PROF. FULMER: I would like to ask just one question while we are on this matter of coloring. It is not only the question of the difficulty of distinguishing one color from another that we have to contend with, but the fact that there are so many of these coal tar dyes on the market under trade mark names. It is going to be a very difficult matter to keep trace of them all. We have no assurance that the methyl orange dye we buy to-day is like the one that we will buy a week from now. Furthermore, the question has been brought up a number of times as to these dyes, that arsenic is used in their preparation and consequently they are harmful or injurious to health. But there are other methods of preparing them and if we could feel assured that any particular article like, for example, toxin, had been prepared without the use of arsenic we might feel assured that it was harmless. But we have not that assurance. We may sometimes have the manufacturers' word for it; but we all know that sometimes the manufacturers' word does not go very far.

I agree with Prof. Doolittle, that if we admit the use of coloring matter at all, we are likely to have no end of trouble. As a chemist, I want to add to what has already been said against it that I do not believe in allowing the use of coloring matter in food products at all, that I believe it is a wrong principle and that it is unnecessary, and that it is liable to lead to great complications, and that it will eventually result in very great detriment to the health of the people.

If there were any distinct way of distinguishing between these coal tar dyes, it would be a different proposition. If you want to draw

two lines between these coloring matters, well and good. If you want to say that there are the coal tar dyes on the one side and the vegetable coloring matters on the other side, then you have made a good distinction. But so far as the coal tar dyes are concerned, I think their use should be entirely prohibited in food products.

DR. EATON: Well, yes; still we know that in regard to the anilin dyes there are a great many of them, hundreds of them (and a good many hundreds) of the coal tar dyes that are perfectly innocuous, that can be taken in large quantities—a spoonful at a time, and no harm at all will result from their use. And they are brighter and last better than any other dyes. Now as these are so good for coloring purposes and as they are perfectly legitimate to use, I do not know why we need to make the manufacturers and the consumers pay the penalty of the sins of the chemists in not being able to find out which ones are poisonous and which are not.

MR. BLACKBURN: You need not do that; let the undertaker decide that.

PROF. FULMER: Is that the sin of the chemist or the sin of heaven?

DR. EATON: If that question come up so that the chemist could devote a great deal of time to the subject, I have no doubt he would discover some way of distinguishing these dyes, of separating one from the other, the pure from the poisonous dyes. It is the need—necessity that is the mother of invention; and I believe if we have an incentive to work along these lines that a way will be discovered to detect the anilin dyes which are poisonous.

PROF. FULMER: The point I wished to make was simply this, that the chemist does not get hold of the coloring matter until after it has been used. If there were some plan by which all these colors could be submitted to the chemist before being used in the food products, then it would be a different matter. But that is not so. We are expected to tell what coloring matter has been used in each particular food product long after it has been placed there. We may or may not be able to tell what it is then. But suppose it is one of the harmful coloring matter; it is too late then for it is already in the food product. It is true we might prevent their using that same one again, but what certainty have we that we can prevent its use when it is on the market under a half a dozen, and in some cases a dozen different names. Now the trade would not understand that and some chemists even may not understand it; so the whole question is a very complex one.

So the only safe path we have to follow is to

keep just as far from the precipice as we can instead of seeing how close we can drive without going over.

MR. DOOLITTLE: Now I have one thing to say, and that is in reference to vanilla. Of course there are a great many grades of vanilla extract on the market, and until there are some official standards, something that will say to the manufacturers distinctly and positively, "your vanilla must contain so much vanilla," we are up a stump. The grade of the vanilla bean varies greatly; there are three or four different varieties, some of them very much superior to others, as you all know. The amount of vanillin may vary more or less, depending upon the process of curing; and secondly the product itself may vary a great deal in the percentage of vanillin.

This is one point in reference to the question of standards. Until there are standards, the chemist must depend largely upon his own experiments and work in interpreting his results and that is unsatisfactory. It is unsatisfactory because modern science to-day demands collective and corroborative testimony on every point.

For a chemist to be obliged to rely upon his own experiments is a very unsatisfactory way of doing, and hence every chemist will hail with joy the prohibition of coloring in food products.

MR. BLACKBURN: I would like to hear from Prof. Shepard on this subject.

MR. SHEPARD: Mr. President, I would like to know what phase of that question they would like me to discuss. If there is any question they would ask, I will try to answer it.

MR. BLACKBURN: Any phase you consider most important.

PRESIDENT JONES: I want to say one thing. When I was appointed three years ago, I organized the food department in my state. That is, I mean I was the head of this department. I guess I got wrong on this particular; I followed the ruling on lemon extract laid down by Brother Adams of Wisconsin in placing a standard of five per cent for lemon extract. I am like the fellow who said the horse was sixteen feet high, I am standing by it yet, but I would like to have you help me out if you can.

Prof. Shepard: Mr. President, Ladies and Gentlemen: I would like to place myself squarely on this subject. I am one of those men that believe that if a coloring matter is added to anything it is done for one of two purposes. It is done either to artificially enhance its value or to conceal some defect or inferiority. It has been claimed by some of the speakers here that it is also done to please the eye. That is a little bit different interpretation. I do not think, as a rule, the manufacturers are giving much atten-

tion to anything of that kind; and for that reason I believe like this—that when you come to talk about admitting the use of coloring matters, we ought to approach it with a wonderful degree of cautiousness; we ought to be very careful.

I should be in favor, perhaps, if we had an expert commission, men who are not easily swayed by sectional influences and things of that kind, I should be inclined to allow them perhaps to have some slight discretionary power in the matter, but not very much. I tell you we might just as well be honest with each other. You take a man from a dairy state, and do you know what is the matter with him? They are making butter down there and he gets tintured with it, and he thinks some of the yellow dyes are all right; for instance, we will take Wells, Richardson's dyes, dyes known to be poisonous.

Cases have been cited (we discussed it coming up on the train) where a little child has taken a teaspoonful, or such a matter, and died shortly. Now, I believe it is like this, I believe that anything which taken in large quantity will produce death is dangerous to administer in minute quantities. And I will tell you another thing right here—I am not a Homeopath either. You know a Homeopath believes the more you dilute anything the more potent it becomes. Now, there is something in it; anyway, they have effected some wonderful cures with very high dilution.

Now, here is a point that I think has been omitted all through the discussion, and that is this, some how or other we seem to try to base our opinions on whether the coloring matter is harmful or not by the immediate effects which it produces—the same thing we are trying to do with antiseptics now; that is what we are trying to do. If we should eat some catsup, say, a tablespoonful, and it laid a man out as flat and cold as a wedge, we would all agree that it was not a good thing to do.

And right then and there I would believe there was proof enough so that I believe you could go before a jury and get them to say it was not a good thing to do.

The point I would like to bring out, ladies and gentlemen, is just this. What about the effect of the continued repetition of minute doses of this poisonous substance upon the digestive ferments? Now, on the other hand, we can hear some experts and scientists stand up and say boldly that they are very tough, these, and will stand a whole lot of treatment with antiseptics and recover and go on producing their peculiar sort of digestion. Well, that is very true, too. But how will it be if you commence at them, beginning in the morning, and give them a dose of antiseptic, and about noon give them another, and just before you go to bed give them another, and then wake up the next morning and begin

right over and over again, and keep that up three times a day for seven days in the week, four weeks in the month and twelve months in the year, and where are you going to end. Now, it is all nonsense for any man to tell me (O, how I do dislike it) that such a small amount as they use of these antiseptics—that it is only a quarter of a per cent and cannot be injurious to health. Now, see here, what is it put in there for? They admit that it destroys the germs of fermentation, don't they? They will admit that it will stop and effectually resist natural decay, won't they? Now is that not true? Surely they do. That is what they put it in for. And yet they say that small amount won't have any effect on the digestive system. Now do you believe that is a logical conclusion? Do you believe it is? Now think of it; take it in that aspect.

Now, in regard to coloring matter, we have had some queer experiences up in our state, and, as Mr. Sherwood said, we have learned some other things that we did not know before. One of them was (of course I suppose I might be forgiven for speaking of it) that I learned that the South Dakota chemist was not any good. I did not know that until the manufacturers told me so, but I guess it was all right. But the excuses that are given; they are bad. You heard a specimen of them to-day. There is not any reason under the sun why catsup and catsup stock cannot be sterilized.

I have been the expert chemist for one of the largest paper companies in the world for a long time, and I am used to their methods of treatment for large quantities of paper pulp, bleaching it and treating it to a digestive process. They have tanks there made like boilers and they will hold thousands of gallons, and they fill it full—dump in carloads of stuff—and turn on high pressure steam; and that paper stock is cooked, disintegrated and bleached and put in elegant shape. And do you think that if that is true that the objection which was raised this afternoon, that it would be impossible to sterilize any large quantity, for instance, of tomato stock, is a good valid excuse? I don't think there is anything in it at all. I think it more the mental attitude of these people towards these different antiseptics. I think they could do this if they would.

Now, here is another thing, and I hope this matter will soon be taken up along this very line. I hope that such coloring matter as Wells-Richardson's are now putting out will be forever prohibited. Well, some one says, but it will cost the poor buttermaker a few cents more to buy annatto; there is lots of annatto in the world, and it only takes a little bit of it to give color to the butter. Now, what is to be gained by using one of these coal tar dyes. I tell you

such considerations as that, the extra cost of a few cents, is unworthy of us as American citizens. (Applause.) The dairyman has been having a hard time, and we sympathize with him. His products have been driven out by oleomargarine. But we have put our shoulders to the wheel, we have fought his battle for him, and we have won it or we think we have anyhow, and I think the dairyman that would object to being compelled to use annatto instead of an anilin dye, because it cost a few cents more, is not showing the proper gratitude to the American people.

We are doing some dairying in our own state. We have got some good dairies down there. Mr. Sherwood is manager of one of the best dairies in the Northwest. It is held up as a model all over the country. I do not know what they are doing, but I think when I get around to it I shall be pleased to learn that they are using nothing but annatto for their butter and will not, as long as the trade demands coloring for butter.

I say that the question of coloring matter is fraught with a good many complicated questions. There are vegetable coloring matters that are perfectly harmless as far as health is concerned; and there are caramels that are harmless as far as health is concerned. But I tell you when they do become harmful; even the most harmless can become harmful when used either to enhance the value of an inferior article, or when used to deceive somebody in making him believe that a certain food product is what it is not, making him think it is something better than it is. It is harmful then and it ought to be prohibited by law.

Now, see here, you can take a whiskey vinegar that is not worth over eight cents per gallon and put into it about one-sixteenth of a cent's worth of caramel, and you will find that that vinegar will be sold, if the Dairy and Food Commissioner is not watching, for twenty-five cents per gallon. Now just think of it. Where does that twelve and a half cents enhanced value come in? It comes from that investment of one-sixteenth of a cent in order to please the eye. It is not so much to please the eye, either, as it is for something else. What an investment that is! An investment of one-sixteenth of a cent brings an increase of thirteen cents. Could you figure it out in per cent? It is not a question of percentage—it is just simply highway robbery. It is fraud, and fraud of the deepest dye. Pshaw! you would say, what a small matter that is. It is a small matter to one person, but how many gallons are used in that way, do you suppose? What do you suppose the combined sum total of that fraud is, and how has it gone to elevate the American people? How has that gone to build up men with stronger brawn? Who is benefited by it? It may be that the fellow who has made that thir-

teen cents will invest it injudiciously and it will not even do him any good.

MR. HAMILTON: What objection is there to using a harmless coloring matter in a standard article?

PROF. SHEPARD: Now that is the point where there seems to be the only excuse there might be—we have spoken already of the use of annatto in butter. Well, it is a deception even there. One cow gets good green grass and with proper care of the milk we have butter yellow enough; but in the winter when the fodder is dry that beautiful yellow color fades away, and we put color into the butter for the sake of deceiving ourselves into the belief that right in the dead of winter we are eating good green grass butter.

MR. McDONALD: My experience is that the reason color is used in standard products is that it is used not as a deception, but in order that there might be a regularity in the appearance of the product. For instance, you put a product on the market this month of one color and next month another color, and the consumer thinks there is something wrong; something the matter with it. The coloring is used in order that the product may be uniform on the market all the time and that is the reason manufacturers are so anxious that they may be permitted to use coloring matter.

PROF. SHEPARD: Well, I don't know of course about that. It is a sort of intangible little thing, a miserable little thing to think about; but if you can get it straightened out in your mind—I don't know where to place the fault exactly. If the purchasing public demands an impossible thing, that is, for instance, they might requisition a cow to give yellow butter all the time, but if the cow won't do it, the next thing to do is to put the color in and deceive yourself into thinking you are eating green grass butter all the time.

MR. HAMILTON: This really now is getting at the practical side of this question and it comes to this, *Is it ever permissible to make an article beautiful as well as wholesome, when you do this without injury to the article itself or to the public?* If an article is standard, of good quality, and perfect of its kind what possible objection can there be to making it look beautiful and pleasing to the public taste or eye, so long as it does not conceal any inferiority of course. Now if an article is below the standard and is then colored to represent a standard article, it becomes a fraud, even if the coloring is harmless in itself. But when the article is standard and a harmless coloring matter is used, I cannot see why it is not to the credit of the manufacturer to beautify it more and more and make it just as beautiful and at-

PROF. SHEPARD: I appreciate your position; your position is purely an aesthetic one, reactive as possible. Nobody is deceived; nobody is harmed.

MR. HAMILTON: Largely, yes; Mr. Chairman, we are governed largely by sentiment. A man's stomach can be turned by sentiment, and it can be settled—straightened out.

PROF. SHEPARD: Let me ask you a question now, Professor. I am a Yankee and can answer one question by asking another. It is a hard question the Professor has asked me. Let us look at it from the other side. Suppose I persist in taking a hard-headed view of the matter and claim it is all nonsense. Do you think the addition of that coloring makes the butter any more nutritious?

MR. HAMILTON: It is not a question of nutrition; it is a question now of beauty. The grain that we get—the wheat—may be so mashed up by the manufacturer in its preparation so as to be disgusting in appearance. We saw some meat prepared the other morning back of a wood pile near the river that did not look very presentable; it was nutritious, just as nutritious perhaps as we got at the hotel, but it was not quite so presentable; and the appearance of an article adds very much to its palatability and that stimulates the digestion, speak as you will.

PROF. SHEPARD: Now I am afraid you are getting into deep water. You were all right up to that point; but as a matter of fact it is a physiologically established fact that the appearance, and it is said even the dressing, of food does not make one single bit of difference, either in the amount that is digested or in the time of digestion or in the ease of assimilation, from a practical standpoint. It does not make any difference in that way. The only excuse there is for coloring butter yellow in the winter is because the people want it colored yellow in that way to imitate green grass butter. Now the question is, are the people right, or are they educated wrong? And that is the reason now that these vinegar men want to color white wine vinegar. They say that it is better and that people want it colored. It is the same position that pushed to the extreme leads to disastrous results. But there is no use in talking about it. It is very hard to find a word to say against Prof. Hamilton's position. I admit that that is the stronghold of the dairymen for coloring butter; but just the moment you push that same principle out to its legitimate end and on to the results that might follow from that course of reasoning you have got colored vinegar.

MR. BLACKBURN: Do you think the man with a ten dollar cow has a right to color that

butter so as to imitate a five hundred dollar Jersey cow's butter?

MR. HAMILTON: No, sir; not in that case, I think.

MR. SHERWOOD: I would like to ask a question. I would like to get Prof. Shepard off on to another line. I want to get him started on a line I know he is interested in and is in favor of carrying out, and that is this point: If we start on this matter of coloring, allowing the use of coloring in standard articles, while the prime goods which are colored all right (there is no question about that), provided, of course, that the coloring is harmless; but how about the second-grade articles? They are made to look like first-grade goods. These grades may not all be analyzed by the chemists, but they are sold on the market and people buy them for prime goods. For example, how about second-grade tomatoes and third-grade? They are all made to look like first-grade and they are all sold as first-grade. The coloring matter is what brings them up to first-grade standard. The consumer takes them as the manufacturer represents them to be—as first grade.

Now there is the point where I believe the gentleman is in favor of drawing the line; right along that plane, allowing the absence of coloring to make the distinction where it will make a distinction in a great many food products.

PROF. SHEPARD: Now take a good case we had for example. An elegant cider vinegar was shipped into our state, colored. They are flooding us with telegrams, but we are holding them off and are not doing anything with them yet, and we do not propose to; we are simply going to wait. As I say, they went to work and colored this vinegar, an elegant cider vinegar, under the mistaken impression that we were barbarous and like to wear red blankets, I expect, but anyhow, they went to work, under the impression that they could not sell anything out West unless it was highly colored, and now Mr. Sherwood has told them they could not sell it, and they are in a terrible way about it. An elegant cider vinegar and they have gone to work and colored it. It is like coloring good butter: it seems to me just like painting the lily. What good can it do? Now those people won't send any more such vinegar as that into our state.

We have talked this matter over, Mr. Sherwood and I, and have decided that you cannot use any coloring matter at all; in fact, the law states that no coloring matter will be allowed in vinegar at all, and it is a pretty good law. We will condemn an elegant vinegar if it just has coloring matter in it; even if it is correct in every other respect, in solids and acid, we

turn it down if it has coloring matter in it; we are obliged to.

MR. HAMILTON: On what grounds? Simply because you have that law on your statute books?

PROF. SHEPARD: Yes, that is the law, and we are enforcing the law right along.

MR. HAMILTON: That is a proper excuse for you, of course; but suppose a man has not a law, and has to depend upon rational action in going before a jury and convincing the jury that he is right, and it is proven that it is cider vinegar and up to the standard and all right except that some coloring matter—some caramel—has been added to it, do you think you could convict a man on that proof? Ought you to?

PROF. SHEPARD: Well, I believe you ought. I believe that unless that man can show a good reason why he put it in there, unless he can show what his object was he ought to be convicted. What did it do? Did it make his vinegar any better—any more valuable? What is it in there for? Well, I tell you, I believe he ought to be convicted on general principles unless he can show some good reason for putting it in there.

MR. BAILEY: This question of putting harmless dyes into food products has brought to my mind an incident that occurred not a great while ago. It is peculiar and I worried over it very much, and I am going to state it to see if any one has known of anything similar to it.

A gentleman came to my office that had a family of six. He had taken a can of green peas home; they were cooked and five out the family ate of them. In less than an hour they had the physician there, and if the physician had not gotten there just at the time he did some of these people would have died. I took three or four spoonfuls (what was left) and sealed them up and sent them to the chemist, and the chemist found arsenic enough in there to kill anybody. And if the physician had not got there just when he did some of that family would have died. Now the question is, Was that arsenic put in there to color the peas, to preserve them, or what for? It was found there in those peas.

PROF. SHEPARD: In a can of peas? You found arsenic in a can of peas?

MR. BAILEY: Yes; there was arsenic enough in that can of peas to kill anybody, and the physician's word is that if he had not got there just when he did some of those people would have died. The question is how the arsenic got into that can of peas.

PROF. SHEPARD: Well, I don't know; I cannot understand what diabolical spirit would possess anybody to put that arsenic in there.

They might put the arsenic in as a preservative; they would hardly put it in to color them green, would they? They usually use something else for that, and I never heard of arsenic being used as a coloring agent. We don't eat canned peas at our house; we are afraid of them. I am afraid of the man that made them.

Here is another point I think we might as well have discussed while we are talking about these harmless yellow dyes. We all know that the processes change from time to time, and they are about as uncertain in character as the channel of the Missouri River. You can go down the Missouri River at night and in the morning go back over the same track and get stuck on a sand bar. Now then, if the chemist cannot tell whether this dye is one of a dozen in a certain group, how do you suppose the manufacturer (or the man who is putting up his goods and coloring them), how do you suppose he can be certain that he gets the same one, when he goes out on the market and buys them, that he got the first time? Had you thought of that?

MR. DOOLITTLE: Along this line I might say that as a rule it is the high-priced dyes that are the harmful dyes, especially the yellow ones.

PROF. SHEPARD: Do you believe that any one putting up colored goods and going out on the open market, Prof. Doolittle, and buying his dyes on the market, can be at all sure if he goes and calls for a certain dye to-day and then goes again in two weeks and then goes again in ten weeks and each time calls for the same thing—do you think, Prof. Doolittle, that he is sure of getting the same thing every time?

MR. DOOLITTLE: No; and perhaps he does not call for the same thing. He calls for a yellow dye by a commercial name, and that commercial name applies to half a dozen different dyes.

MR. ALLEN: Just while we are on this line there is a point in the letter of the gentleman—the letter from Cincinnati read this morning—in which he took the Kentucky people to task for their statements on the subject of confectionery. I would like to explain that. In our law we have a provision that all artificially colored goods shall be labeled so as to show the consumer that it contains coloring matter. We decided that confectionery, for instance, would not need to be labeled because flour is white and we all know it is white and with a harmless coloring matter it is colored into something to please; and if it is a coloring matter of a harmless character it can be used without any label. The gentleman, however, in the letter, took us to task because we did not require the label on that candy, and yet required a label on catsup.

While I do not believe there is a single legitimate use for artificial coloring in any article of food, yet we have allowed it where the coloring is harmless and the goods so labeled. What we want is nature. We associate certain sweet delicate flavors with certain colors that come out of the freshness of the article itself; and when we see that article of food with a certain coloring and notice its fresh state we immediately know it is going to have that flavor; and so we learn to associate these two together.

I believe, in the strict sense, there is not a single legitimate use for artificial coloring; you are only imitating, you are only painting the picture of what the real is. Of course, we like to see it; while, on the other hand, we have so much of imitation, so much of the great unwashed, that we have to color it up a little so as to make it palatable. The question is not so much that of prohibiting coloring matter (of course, that is a question) as it is to get food products up to higher standards and better methods of producing and keeping them.

MR. BLACKBURN: This discussion is opening out like the Mississippi. At its beginning it is not very wide and a few miles farther down it may spread all over creation. It appears to me that is the way with this discussion. It started out with certain products of certain special classes, but it has broadened out until it is a very great discussion, due to certain questions concerning coloring in certain foods.

Now there is a man here this evening that is, I presume, as well qualified to speak on this subject as any one, and he has been quiet all day. Now I would like to hear a few words from Commissioner McConnell of Minnesota on this question of coloring.

MR. McCONNELL: I do not feel competent to speak upon this subject of coloring, yet I am very much interested in it, and I thoroughly believe it is all wrong. Indeed, in all the six years I have been engaged in the food work I have tried to study this subject closely, and I believe, from first to last, I believe it is a deception. I can see no good to be accomplished by it at all and it opens the way, as has already been said to-night, for the practice of all kinds of deception. I believe there are many kinds of food upon the market to-day which are being sold for a hundred per cent above what they should be sold for because they are colored up.

Now in our state this last year more than a thousand samples of fifty-two different kinds of chopped meat and sausage were taken (I am afraid I am getting off my subject), in which they had used preservatives and coloring matter. In a long-drawn-out suit in Minneapolis

we established the fact there, beyond any question or any doubt, that those meats were almost invariably spoiled meats; decomposition had set in and they had been deodorized by borax and boracic acid and then colored up and placed on the market. I believe it is absolutely devilish; I believe it is wrong. And so far as we are concerned we shall fight it into the last ditch.

Now then, I was talking to some gentleman this evening, and I believe it was some gentleman formerly from Minnesota, who spoke of colored mustard. What are we doing? The millers are taking the wild mustard from the wheat, they are screening it out (first docking the farmer so many pounds on the bushel) and then they are screening out that wild mustard that has soured in the manufacture and selling that mustard (a miller told me so) for twenty-six and twenty-eight dollars per ton; and that stuff is being ground up and used in this prepared mustard and colored. It is nothing more than soured, nasty, foul stuff, the whole thing, and all the way through. I cannot conceive of any reason why we should use coloring matter. It does seem to me there is nothing so beautiful as an article the way nature made it. I do not believe for a moment that God made a mistake when he produced articles of food.

I do not believe that we can, for a moment, afford to open the door for coloring, even if it is harmless coloring. I cannot see how we dare to do it.

Some gentleman has spoken here to-night about butter; I do not want to speak about it. I am exceedingly sorry, and yet I believe that is an article of food, and I believe we should not allow coloring matter in butter, especially the anilin dyes. Why, gentlemen, I have killed a full-grown cat with a half a teaspoonful of it, and even in the most minute amounts I believe it is harmful. I have a paper in my room now telling more about it. They use these coal tar dyes in butter, and yet they have fed them to guinea pigs and invariably, even in the smallest amounts, they have proven that they operated directly upon the kidneys; and even prominent physicians say they believe that it is dangerous to use them and costs the life of many people.

Now if that is true in that particular, is it not true of all these articles that are being colored? I tell you it does not seem to me—I cannot understand how any man is willing to take any chances, after what has been said here to-night, on feeding his children or his family on foods colored with those dyes when only an educated man—a chemist—can tell the difference between the poisonous and the harmless.

I tell you, gentlemen, I do not believe it is

a subject worthy of our consideration. I do believe, I do firmly believe, that we should stamp it out so that it shall have no part in our work.

MR. DOOLITTLE: There is one point there on which I want to get some information if I can. We are just taking up the subject of lemon extract in our state, and I want to know if there is any authority for the establishment of a 5 per cent standard, unless your law states that the United States Pharmacopœia shall be the authority in preparations of this kind? Now Mr. Jones has stated that he followed the example of the Wisconsin man, and the Wisconsin man is not here and I do not know where they got their standard.

PRESIDENT JONES: I beg your pardon; I will answer that for Commissioner Adams. Mr. Adams got his authority from the pharmacopœia, and Dr. Mitchell, his chemist, as I understand it (but Dr. Eaton perhaps knows more about that, because he has been talking the matter over with Dr. Mitchell); but I was talking the matter over with Mr. Adams when we were in Washington, and Prof. Hamilton and I were talking something about this in Washington. I am trying to get my law amended so as to make it a 5 per cent standard. I had this amendment in the proposed law. If I do not get this I think I will back out some of these times. Of course, this is confidential; I am not going to proclaim it to the world.

MR. BAILEY: Mr. President, this subject is of very great interest, but there ought to be another day to take it up and it is now half-past ten.

PRESIDENT JONES: There is plenty of time. I would like to hear from Prof. Hamilton on that subject.

MR. HAMILTON: Mr. Chairman, in our state we insist upon a 5 per cent standard wherever the article is to be regarded as pure.

PRESIDENT JONES: Have you got a law of that kind?

MR. HAMILTON: We have no law that fixes 5 per cent as a standard; but we go into court and say to the court that 5 per cent is the standard that is fixed by recognized authorities. It is absolutely necessary that some standard shall be fixed somewhere, or else there can be no adulteration and there could be no condemnation of the article or punishment of the individual. Suppose some one comes with a 1 per cent lemon extract, which is not uncommon, not unusual; shall he be permitted to sell that for the price of a 5 per cent article and maintain that it is pure? Our position is that when it falls below 5 per cent—I mean on the market—it is diluted, it is reduced, it is mixed with water or something else, or some part has

been filtered out, and it should be labeled "adulterated." But they maintain that it is pure oil of lemon; and that is true, perhaps. That may be true and yet we want them to mark it compound. And if it goes down to one-fourth of a per cent as the amount of oil of lemon that can be discovered, we do not allow them to call it lemon extract at all, but they must call it ARTIFICIAL EXTRACT OF LEMON. It is not worthy of the name. It contains such an infinitesimal quantity that it has no right to the name, for it is something that is worthless for the purpose for which it is intended. Now that is the situation.

We depend upon the good sense of the jury, and expect the jury to know about what is a reasonable standard, and quote the pharmacopœia as giving the best judgment of experts upon that subject; and if it falls below that standard we condemn the article as being below standard, and they must mark it accordingly.

I believe you can win your cases right there on that standard.

MR. DOOLITTLE: Can you go anywhere and prove it out on that theory?

PRESIDENT JONES: Now, Mr. Blackburn.

MR. BLACKBURN: Mr. Chairman, Mr. Hamilton said substantially what I wanted to say on the subject of standards. There is only one standard in the United States and that is the United States Pharmacopœia. It is the only recognized authority on standards. It has been recognized by a number of laws, and I think by a number of courts in which the question of standards has been brought up. There is no official pharmacopœia, but the United States Pharmacopœia is recognized in the State of Ohio without any further question, and our law makes the United States Pharmacopœia a standard for anything.

We had a case where a man had sold a sample of whisky to one of our inspectors. The inspector went in and called for whisky and he set out what he called "mountain dew." It proved to be adulterated and we presecuted. I think Mr. Bonham referred to that case today in his citations. The United States Supreme Court held that it was a drug and recognized in the United States Pharmacopœia, which is the only acknowledged standard. It was none the less a drug because it was sold under a fictitious name or by a man not a druggist; and they held with the department. It was the most logical and practical thing to do, because the United States Pharmacopœia is the only recognized standard.

I want to add that the United States Pharmacopœia is the only recognized authority

on standards for flavoring extracts that I have ever heard of anywhere.

MR. DOOLITTLE: I want to ask another question. What about coloring matter? Do you allow the use of anilin dyes for coloring lemon extract? I believe the Pharmacopœia specifies pure lemon peel.

MR. BLACKBURN: Don't go outside of the pharmacopœia and you are safe.

MR. HAMILTON: We do not insist on lemon peel if the coloring matter that is used is harmless. Now we are not talking about aniline dyes, we are talking about harmless coloring matter. If the coloring matter is harmless it can be used, if it is a standard article. If the article falls below the standard it must be marked "Compound" or "Mixture," and if it is artificially colored it must be marked "Artificially colored," and that coloring matter must be harmless. No harmful coloring matter is allowed in any substance under any circumstances.

PROF. FULMER: Might I ask a question?

PRESIDENT JONES: If there is any one thing that has worried me (I guess every commissioner has some one question about which he is particularly sensitive, and this is mine) it is this 5 per cent oil of lemon standard.

My friend Grosvenor (I don't know that he is here this evening, and I don't want to talk about a fellow behind his back), perhaps he has gone home; but he got after Mr. Adams and me about that one thing. I tried to defend myself by quoting the pharmacopœia, and I was glad I had such good authority to back me up. Now I would like to hear an expression from these chemists here as to their position in this matter.

MR. FRAILEY: I am very glad to hear from these gentlemen from the far East in reference to this question of lemon extract; it has been quite a puzzling one to me and to know that they are winning cases on the pharmacopœia standard is quite an interesting thing.

I would like to ask just this one question of Prof. Hamilton: Who determines, in the State of Pennsylvania, whether or not the coloring matter is harmful?

MR. HAMILTON: The chemist determines. In a standard article we do not always make a determination for the coloring matter. In a lemon extract if, in the course of the investigation, the coloring matter is found to be harmful, then it can be prohibited.

I will say in addition that we have not enforced that particular law to the extent that perhaps we ought. We have not ruled Wells & Richardson out yet. Whether we will come to that later on or not I cannot say. We have a good many other things on our hands, and this

has been left in abeyance because we have regarded it as perhaps impracticable at this time to take up that question and insist upon its enforcement, in view of other matters that are perhaps of greater importance and that need to be settled before this.

I am opposed, utterly, to all harmful coloring matters. I am not opposed to the use of harmless coloring matters in standard articles of food.

PROF. SHEPARD: Then the presumption is that in standard articles if there is a coloring matter used it is a harmless one?

MR. HAMILTON: We do not look into that carefully very often, unless in the course of the examination it is found to be harmful, and then it is examined and the article condemned.

PROF. SHEPARD: I would like to ask Prof. Hamilton: In determining as to whether a coloring matter is harmful or not, don't your Pennsylvania chemists make a physiological test? For instance, in coloring matters like anilin dye, can they separate, can they get the dye out in sufficient quantities to make a physiological test, as, for instance, on a rabbit or a guinea pig, or something of that kind, so that they can really say whether it is poison or not? Or how is the question settled?

MR. HAMILTON: Can I make a little statement?

PRESIDENT JONES: Yes; we shall be glad to hear you.

MR. HAMILTON: We undertook the determination of that question and placed it in the hands of a member of our department, who is not connected directly with the food department, to make some experiments upon the physiological effects of these anilin dyes or coloring matters found upon the market. He used guinea pigs, used cats, used dogs and rabbits and fed them for a considerable length of time upon various quantities of these coloring matters in order to determine their effect. In very small quantities there was no appreciable disturbance of the animal system, so far as they could determine in the short time they were carrying on these experiments—that is, two or three months; but given in doses of one-fourth, one-half, three-quarters and a teaspoonful, the effects were apparent and death ensued at about half a teaspoonful. In fact, one of our chemists tried some of it upon himself—took it himself.

PROF. SHEPARD: I heard he gave it to his wife.

MR. HAMILTON: He also took it himself. He wanted to determine the physiological effect of it, and he took it for a considerable time and in considerable quantities. He found that by taking it in considerable quantities it af-

fected him very seriously. His wife took some and it affected her very seriously. The experiment was made in connection with a case which we had in which a child was killed by the accidental use of it; and it was done to determine whether the article or substance as put upon the market was harmless, as it was said to be.

The thing that we required of these people, after these experiments, was to place a plain label on each package, with a cautionary notice that it was a chemical dye preparation and should be kept out of the way of children; and we also require them to place upon the package the particular coal tar color that the package contains.

That was the physiological test that was made, and it convinced us that they were harmful to health when taken in any considerable quantity. But we have not yet taken up the question of forbidding their use altogether.

PROF. SHEPARD: I understood you, did I not, that this work was done some time ago?

MR. HAMILTON: Yes, about four years ago.

PROF. SHEPARD: Now do you feel safe in relying upon that work any longer?

MR. HAMILTON: No sir; I do not.

PROF. SHEPARD: Now it has been brought out here distinctly that these coal tar dyes are in their character shifting as the sands of the sea; that there is no stability in them; that they are constantly disappearing; a new process of manufacture comes up and it takes the place of the old one; each one is rapidly succeeded by the other; and now don't you think you are experimenting, really, honestly, with a very dangerous proposition?

MR. HAMILTON: I think the coal tar dyes ought to be forbidden, unless the manufacturer can show that the particular color which he puts out is one of the harmless varieties.

MR. DOOLITTLE: I think on this subject, from which it seems we cannot get away, that from the statement that Mr. Hamilton has made (he says that in lemon extract they do not pay any attention to the color if it is a standard extract), now I think right there is the danger. It is liable to be injurious to health.

MR. HAMILTON: In a standard article?

MR. DOOLITTLE: In a standard article.

MR. SHERWOOD: In this matter of the pharmacopœia our statute does not mention that as a standard for anything. I would like to ask the question of these gentlemen if we would have a right to assume that that was a standard for any article of food, without the law mentioning it, the same as we do with the definition of any word as given in the dictionary?

MR. BLACKBURN: If I were in Mr. Sher-

wood's place, I believe I would unhesitatingly assume that; and if they challenged it in any way I would challenge them to produce anything better. You could beat them every time, I believe.

PROF. FULMER: I want to ask one thing in regard to the work in Ohio. As I understand it, Mr. Blackburn, you do not permit any coloring matter at all in lemon extract, save that produced from lemon peel?

MR. BLACKBURN: Nothing that is not recognized by the pharmacopœia. That is, we allow it if it is guaranteed harmless and so labeled; where it deviates in any way from the pharmacopœia standard it must be placed on the label.

PRESIDENT JONES: I see Prof. Nelson of Nebraska here, and it has been suggested that we hear from Nebraska on this question. We have also the chemist from California, Prof. Saylor, from whom we should like to hear. That is the state where they raise olives, and as we always save these till the last, we will hear from his later on.

Professor Nelson, ladies and gentlemen.

MR. NELSON: Mr. Chairman, Ladies and Gentlemen: I feel that I am incompetent, really, to get up here and say anything to men who have had more experience than I. I have just started into this work and in Nebraska we have nothing to do with food products, except vinegar and dairy products.

Of course, we meet the color question in the oleomargarine and vinegar; but my views on coloring have already been stated several times this evening, and that is that I am opposed to any color whatever, for this reason, that if a substance is good, or, rather, whenever any substance is colored, the object in adding that coloring is to improve it in some way and make it appear really better than it is. Why not let the substance be sold on its own merits and not make it appear to be something else and appear to possess merits it does not really possess.

That is all I have to say.

PRESIDENT JONES: Now, Prof. Saylor, if you would add something.

PROF. SAYLOR: Mr. Chairman, Ladies and Gentlemen: I can say, like the gentleman from Nebraska, the institution that I represent in California has nothing whatever to do with food products other than dairy products, butter and cheese. We have a food law on the statute book, but there is no sum appropriated for the enforcement of that law, and nobody authorized to carry it into effect. The Dairy Bureau has not charge of its enforcement. Therefore, for me to attempt to speak of our experience in that state would be of no

use and would be only a waste of time. I will take up none of your time in the discussion of a question with which I have had no personal contact.

I thank you very much.

MR. MONSON: I will make a motion that we adjourn to 9:30 in the morning.

MR. HAMILTON: Before we adjourn would it not be well (I merely make the suggestion) to have some sort of a committee appointed to gather up these matters and get at the general opinion on these several subjects to present to the Association later for approval or disapproval?

PRESIDENT JONES: That is a good suggestion. Would it be in order to do this without a motion? I could appoint a committee of the chemists here:

Prof. J. H. Shepard.

R. E. Doolittle.

Dr. E. N. Eaton.

Dr. Wm. Mitchell.

J. O. LaBach.

J. M. Nelson.

Wm. H. Saylor.

Prof. S. S. Ladd.

Prof. E. Fulmer.

Prof. A. L. Kniseley.

H. Harms.

MR. HAMILTON: I move the appointment of that committee.

MR. BLACKBURN: I second the motion.

Motion carried.

NOTE—The following article was misplaced and was not presented to the Convention, but was ordered to be printed in the proceedings by the Publication Committee of this association:

Chicago, June 25, 1901.

Honorable A. H. Jones,

State Food Commissioner.

Dear Sir:

We herewith respectfully submit to you our opinion with reference to flavoring extracts, coloring, etc., which we would be pleased to have you present to the Convention of the National Association of State Dairy and Food Department, which, we understand, is to be held at Portland, Ore., some time next month.

Yours respectfully,

PRICE FLAVORING EXTRACT CO.,

R. C. Price, Vice-Prest.

Probably there are no manufacturers who have a prior right over ourselves in the discussion of pure food. Pioneers in the agitation of the subject, and as early as 1884 advocating the enactment of pure food laws. To-day we have more reason to believe in their good to mankind than ever and anxious for a national food law for regulative rather than prohibitive purposes. If the few or the many prefer compounded, adulterated

or artificial products, why should they not be allowed to obtain them, if harmless, but under a label "you may read as you run." We may not be able to control the public in their tastes, though we can protect it. Extract of vanilla made from vanillin, caumoiin, benzoin or heliotrope. Extract of lemon made from one per cent or less of oil of lemon, doped with spirits of turpentine—why should such preparations be called extracts? Is it not a false application; are they extracts properly speaking? Rather are they not compounded flavors and should they not be so designated? Man's ingenuity is as active in the production of flavorings as any one other art. Nature even extends a helping hand. Pure extract of vanilla that will not conflict with any food law can be made from five different varieties of vanilla beans of value as varying in flavor and also commercially. Beans quoted, per price lists, from ninety cents to fourteen dollars per pound.

A pure extract of vanilla should be made from Mexican beans. Nor are all Mexican beans alike. Premature cutting, careless handling and improper curing will impair their value. So important is the curing alone that the best beans are carried through this intricate process by experts, seldom the growers. Skill and care is also essential in the manufacture of the extract. A proper menstruum, suitable "ageing," and special filtration yields the truest and strongest flavor.

In the manufacture of a lemon extract at least five per cent of pure hand-pressed oil, with the peel and deodorized spirits should be used. Selection of materials and care in the manufacture of this flavor is just as important as in vanilla. Exposure of the purest oil to air and light will cause deterioration.

Almost parallel with adulteration is coloring. Colors injurious and non-injurious—a question. Chemistry proves the use of an aniline dye, but cannot classify it. Why not give the question the benefit of the doubt? The best that can be said for their use is that of a dressing, to catch the eye. They do not impart one iota of flavor to the extract nor color to the cake. Are they not employed for other purposes than to give this pleasing effect? All the criticisms we have ever seen covering the use of artificial coloring were based entirely upon the colors being harmful or not. Why not waive the question of harm? Why let down the bars at all? If an extract is pure, the strongest that can be made, what more can be offered? Suppose it is a brown color when you have always thought it green—you obtain the natural flavor, which is the object sought.

PRICE FLAVORING EXTRACT CO.

MR. MONSON: I move we adjourn to 9:30 to-morrow morning.

Motion seconded and carried.

PRESIDENT JONES: We will now consider ourselves adjourned to meet to-morrow, Thursday, July 10th, at 9:30 a. m., at Oddfellow's Hall on Adler and First streets.

THURSDAY MORNING SESSION, July 10th, 1902, at 9:30 a. m.

Meeting called to order by the President.

PRESIDENT JONES: I want to congratulate you, ladies and gentlemen, upon our new quarters. I do not know how you feel about it, but for twenty-five years (I don't want to put it too long) I have always felt at home in a hall of this kind. It has been, perhaps, longer than that since I traveled the Jericho road, but I don't want to tell you just how long.

I want to congratulate you, ladies and gentlemen, on this elegant place we have for holding our meeting and again tender our thanks to Brother Bailey and the good people here for these accommodations.

The first thing, I believe, on the program this morning is an address entitled "Adulterated Coffee, Glazed and Otherwise," by Hon. J. E. Blackburn, Dairy and Food Commissioner of the State of Ohio.

MR. BLACKBURN: Mr. President and Gentlemen of the Convention: I prepared this paper with a view to meeting a condition of affairs that I have found in Ohio, and after I began work on the paper I found that the same conditions existed in other states.

Coffee has been a popular article of food for several centuries. We are told that it first came into general use about the middle of the sixteenth century; since that time it has grown from a luxury enjoyed by few to an article of daily necessity in nearly every household. There are not many articles of food more generally used; there are few more important, commercially or physically. Pure, sound coffee, properly ripened, cured, roasted and brewed is at once a beverage and food that is grateful to a great majority of people, especially the people of the United States, who are said to be the largest coffee consumers in the world.

Within the last few years the consumption of coffee has increased from 8 pounds per capita to nearly 12 pounds. Nearly everybody uses coffee at least once a day; many two or three times. Statistics show that there is imported about nine hundred million pounds of coffee into the United States every year, or an average of over 12 pounds for each and every inhabitant. I am also informed that there are about forty-eight million pounds of coffee consumed in the State of Ohio every twelve months, and it will be readily seen that an article of such wide popularity that is consumed in such enormous quantities, that is used regularly in every family, becomes an article of supreme interest to every student of questions

affecting the welfare of the people, whether this interest arises from business or sentimental reasons.

The importance of the question and its influence upon health and morals of the people can hardly be overestimated. From time immemorial food products have been subject to adulteration. We read in the Scriptures of "salt that has lost its savor," and human nature is much the same now as it was then, but of all the articles that have been selected for sophistication none have been more persistently tampered with than coffee.

The present cheapness of this commodity should have a tendency to and does discourage adulteration of the commoner kinds, yet abuses still exist in the preparation of this useful product. Like every other question, however, there is apt to be a difference of opinion as to what constitutes adulteration. Some contend that accidental admixtures of foreign substances with the coffee constitutes an impurity equivalent to adulteration. Some claim that the coating classed as adulteration is really an advantage to the coffee and a substantial benefit to the consumer; it may possibly be true, but I have always felt skeptical about it. If it was not a substantial benefit to the producer and vendor, the consumer would be allowed to worry along without this advantage.

We should remember that there has never been a time that the manufacturer or dealer who was willing to perpetuate a fraud upon the consumer did not have plausible excuses to justify the deception. Pretext is not a new resource and excuses are as old as Adam. We have heard of the attempt to steal the livery of Heaven in which to serve His Satanic Majesty, and I feel that it could be applied with propriety in many food cases.

In order to draw the line considerably, fairly and justly, between adulteration and impurity, we should consider what properly constitutes coffee, then we will be in better position to point out where purity ends and impurity begins. Some people think that a man named Webster who wrote a book called a Dictionary, to which we often refer, is a fair authority on most questions. Webster's definition of coffee is:

"Coffee—The 'beans' or 'berries' obtained from the drupes of a small evergreen tree of the genus *Coffea*, growing in Abyssinia, Arabia, Persia and other warm regions of Asia and Africa, and also in tropical America."

In Ohio the law governing the standard of food products is as follows:

"SECTION 3. An article shall be deemed to be adulterated within the meaning of this act:

"(a) In the case of drugs: (1) If, when sold under or by a name recognized in the United States Pharmacopœia, it differs from the standard of strength, quality or purity laid down therein; (2) If, when sold under or by a name not recog-

nized in the United States Pharmacopœia, but which is found in some other pharmacopœia, or other standard work on materia medica, it differs materially from the standard of strength, quality, or purity laid down in such work; (3) If its strength, quality or purity falls below the professed standard under which it is sold.

"(b) In the case of food: (1) If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) If any inferior or cheaper substance or substances have been substituted wholly or in part for it; (3) If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; (4) If it is an imitation of, or is sold under the name of another article; (5) If it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not—or, in the case of milk, if it is the produce of a diseased animal; (6) If it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; (7) If it contains any added substance or ingredient which is poisonous or injurious to health; provided, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale be distinctly labeled as mixtures or compounds, with the name and per cent of each ingredient therein, and are not injurious to health."

Under this statute the United States Dispensatory or the National Dispensatory will probably be the best recognized of any authorities on this subject. I append, herewith, description as given in both works:

"The character of coffee varies considerably with the climate and mode of culture. Consequently, several varieties exist in commerce, named usually from the sources from which they are derived. The Mocha Coffee, which is in small, roundish grains, takes precedence of all others. The Java Coffee is highly esteemed in this country; but our chief supplies are derived from the West Indies and South America. Some good coffee has been brought from Liberia. Coffee improves by age, losing a portion of its strength and acquiring a more agreeable flavor. It is said to be much better when allowed to ripen perfectly on the tree than as usually collected. The grains should be hard, and should readily sink in water. When soft, light, black or dark colored, or musty, they are inferior. * * *

"Properties: Coffee has a faint, peculiar odor, and a slightly sweetish, somewhat austere taste. An analysis by M. Payen gives for its constituents, in 100 parts, 34 of cellulose, 12 of hygroscopic

water, 10 to 13 of fatty matter, 15.5 of glucose, with dextrin and a vegetable acid, 10 of legumin, 3.5 of potassium and caffeine chlorogenate, 3 of a nitrogenous body, 0.8 of free caffeine, 0.001 of concrete volatile oil, 0.002 of fluid volatile oil, and 6.697 of mineral substances. * * *

"The fruit of *Coffea arabica*, Linné. Bentley and Trimen, Med. Plants, 144. Nat. Ord.—Rubiaceæ, Coffeineæ. * * *

"When the berries are ripe they are gathered and freed from the pericarp and scanty pulp by suitable apparatus and washing; the seeds are then dried, and subsequently freed from the parchment-like testa by passing them between wooden rollers and by winnowing. The seeds constitute one-third the weight of the ripe berries. * * *

"Description: The seeds are oval, longitudinally grooved upon the flat side, usually almost completely deprived of the parchment-like, finely-wrinkled testa, fragments of which remain in the groove and sometimes upon the back. The horny albumen is of the shape of the seed, according to the variety of a yellowish, brownish, bluish, or greenish tint, and is folded, or rather rolled up, whereby the groove is produced. The embryo is situated under the convex side near one end, is slightly curved, and occupies about one-fourth the length of the seed. Raw coffee has a very faint odor and a sweetish, slightly astringent, and bitterish taste. The commercial varieties vary considerably in flavor, in size, and in the shade of color. On keeping, coffee loses during the first year about 8 per cent in weight, principally moisture; during the second, 5 per cent, and during the third year 2 per cent, the flavor being at the same time greatly improved.

"Constituents: The sweetish pulp of the pericarp contains several sugars, of which Boussingault (1881) found 2.37 per cent cane sugar, 8.73 per cent invert-sugar, and 2.21 per cent mannit. According to Payen's analysis (1849), coffee contains 13 per cent of fat, 15.5 of glucose, dextrin, and an undetermined vegetable acid, 10 of vegetable casein, 5 of chlorogenate of caffeine and potassium, 3 of nitrogenized principle, 0.8 of caffeine, 0.001 of solid volatile oil, 0.002 of liquid aromatic principle soluble in water, 6.7 of ash, and 12 of moisture, the remainder being cellulose. The fat consists of palmitin and olein. The acids contained in coffee have been the subject of repeated investigations. These render it probable that, besides a little citric acid, the principal one is caffeeo-tannic acid, which, according to Rochleder, is Payen's chlorogenic acid; its precipitate with gelatin is soluble in the tannin solution; tartar emetic does not precipitate it, but it yields with lead salts and baryta solution yellow precipitates. Vlaanderen and Mulder (1858) separated this principle under the name of cafeeic acid, and regard the other acids of coffee (caffeanic, coerulic,

and cafeeelic) as products of oxidation; and they believe the various colors of raw coffee to be due to mixtures of these derivatives. They consider chlorogenic as a mixture of their cafeeic and coerulic acids; Rochleder's viridinic acid (1848) may be a similar mixture. The cafeeic acid of Hlasiwetz (1867) is obtained by continued boiling of caffeeo-tannin with excess of potassa solution and separation by sulphuric acid. When pure it has the composition $C_6H_5O_4$, is in straw-yellow crystals, forms mostly yellow-colored salts, and, like the amorphous gum-like caffeeo-tannin, yields with fusing potassa protocathechuic acid $C_7H_5O_4$. By dry distillation pyrocatechin is obtained. Zwenger and Siebert (1861) obtained from Java coffee 0.3 per cent of kinic acid, which is most likely the cafeeic acid of Stenhouse, obtained (1854) from coffee leaves, and which readily yielded kinone when treated with manganic deutoxide and sulphuric acid.

"The roasting of coffee, which is best accomplished at a temperature of about 250° C. (482° F.), renders the seeds pulverizable, and at the same time gives them a more agreeable taste and enables them to yield more of their constituents to water. The coffee thus acquires a chestnut-brown color and loses about 18 per cent of its weight. The generation of gaseous compounds ruptures the cells, and a peculiar and agreeable aroma is produced, probably through the decomposition of the fat and tannin. But Payen's (as well as Rochleder's) investigations failed to point out the principle to which the changes are due. Very probably they depend upon the decomposition of several of the organic compounds, and unquestionably upon the production of a pyrogenated volatile oil, to which the grateful aroma is due. Caffeine does not partake of these changes, except that it is slowly volatilized at the temperature stated; hence the roasting of coffee ought to be effected in closed vessels. Bernheimer (1880) found nearly one-half of the products of roasting to consist of palmitic acid, the remainder being acetic acid, carbonic acid, probably acetone, hydroquinone, pyrrol, methylamine, .18 to .28 per cent caffeine, and .04 or .05 coffeol, $C_8H_{10}O_2$, to which the aroma of coffee is due; it is an oil boiling at 195° C. (383° F.), and is probably a methylether of saligenin.

"Coffee yields 4 to 5 per cent of ash—Mocha coffee as much as 7.84 per cent—consisting chiefly of potassium, sodium, magnesium, and calcium carbonates and phosphates, the earth salts amounting to one-seventh or one-sixth of the weight.

"Adulterations: Inferior qualities of coffee are sometimes mixed with or sold for the better varieties, and the brown yellow, or discolored seeds are occasionally artificially colored with indigo, Prussian blue, and other substances. These pigments usually adhere merely superficially, and may be

removed by washing with water. Fictitious coffee-seeds, made of clay and other plastic material, are easily recognized by the absence of fragments of the testa and of the deep groove upon the flat side of the seed. Ground coffee is frequently adulterated with roasted amylaceous seeds and bitter roots, chiefly chicory and occasionally dandelion. Roasted coffee yields with cold water a brownish-yellow infusion, while that of the adulterants is dark-brown or red-brown. F. M. Rimmington (1880) suggests the following process for the detection of adulterations: The coffee is boiled with water and a little sodium carbonate, then washed with water and macerated in a weak solution of chlorinated lime for two or three hours, when the ground coffee will form a dark stratum and the ground chicory a nearly white layer; the microscope will reveal other admixtures.

"The pericarp of coffee fruit, which has been recommended as a cheap substitute for coffee, is free from caffeine; but the pericarp of the seed (husks), which have to some extent been used under the name of sultan coffee and sacca coffee, and are said to improve the flavor of coffee, contain .082 per cent of caffeine, according to Peckol. The roasted flattish ovate seeds of *Cassia occidentalis*, Linne, are used in the tropics as a substitute for coffee under the name of negro coffee or Mogdad coffee, and have been met with as an adulteration in Europe; they do not contain caffeine, and are best detected by the microscope. Mogdad coffee yields 4 to 5 per cent of ash; roasted chicory, 10 to 11 per cent; roasted rye and wheat, 2 to 3 per cent." * * *

It will be observed that there is not a great deal of information upon which to base an intelligent opinion, but the authorities agree upon one thing, and that is that the berry should be thoroughly cleaned and divested of all foreign substances. This eliminates what might be called accidental impurities from our standard. I have searched in vain for any authority for the coloring, coating, glazing or other manipulation or adulteration to which coffee is usually subjected. I have found no authority for this practice. In fact, it is not referred to by any of the authorities cited.

If we are allowed to make our deductions from this, it would appear that such methods have not been recognized as legitimate or proper in any standard authority, thus being inferentially condemned. The method of glazing has been condemned outright by Bulletin 13 of the Agricultural Department at Washington, but that was probably printed before its distinguished author was retained to write recommendations for this practice.

In considering adulteration of coffee we shall deal with the berry or bean as it is found in commerce, unground and whole, but roasted. Green coffee is usually kept from one to two years before

being roasted. As nearly every consumer buys the roasted product nowadays, our remarks will be directed principally to coffee in this form.

The principal forms of adulteration in the bean are by mixing some foreign substance with the berry and then grinding all together. The adding of peas, beans and coffee shells in mixtures of this kind have become common. The remedy is simple. Do not buy ground coffee; buy a small mill and grind it yourselves as needed.

One of the most common forms of adulteration in the whole bean is the mixing of undeveloped, inferior, decayed and inert berries with good coffee, and coloring the entire mass to look uniform. The percentage of adulteration varies with the customer and the price. At one time artificially molded berries made from bran mixed with pipe clay to make it brittle was used, and the counterfeit mixed judiciously with the genuine; but a close examination soon disclosed the fraud, as the berries were of uniform size and lacked many of the apparent characteristics of the natural bean. There are people who would say that a little clay in coffee was a benefit to the coffee and an advantage to the consumer, claiming it settles the coffee and many other virtues that are argued with as much vehemence and persistency as any other fraud. Personally, if my coffee needs clay I prefer to add it myself. I think this is a good rule to go by in all questions of this kind.

The presence of pigments in coffee is easily detected. Wet the suspected bean in the mouth and apply to white paper or a white cloth; the coloring marks the paper in an unmistakable manner. Or, place a few of the grains in a glass of clear water and agitate; the water becomes cloudy and takes on a tint of the coloring used, while the appearance of the washed coffee helps materially in establishing the fraud.

But by far the most serious and far-reaching adulteration with which I am familiar is the so-called glazing of coffee. This abuse has been growing in popularity of late years and seems to me to demand immediate attention by all interested in preventing imposition upon the consumer. The glazing is usually composed of albuminous materials like the contents of an ordinary hen's egg, and the method of application is to dilute with water and apply to the coffee while warm from roasting and immediately after the coffee has been sprayed with water.

The reasons given for wetting the coffee are that it immediately cools the coffee and prevents further roasting after the coffee leaves the hot cylinder in which it is revolved while the heat is applied. Incidentally, it might be noted that coffee loses about 15 per cent by weight in roasting, although it gains enormously in bulk.

I would not be unkind enough to insinuate that the water is added to restore, in a measure, the

weight lost in heating the coffee and the glazing is added to prevent evaporation and loss of weight. There are some people uncharitable enough to say those things, but I am not one of them.

But I do sincerely believe that the principal reason for glazing coffee with this unsanitary mixture is to give it a uniform appearance, and the principal reason for wanting to give it a uniform appearance is to help its sale; it is always applied to a cheap, inferior grade of coffee and usually a mixture of the worst the markets afford. There is not a case on record where this filthy dope has ever been applied to anything but the cheapest and trashiest coffee obtainable; there is not a case on record where this stuff has ever been applied to even a medium grade of coffee or any other grade except the very lowest.

In the light of these undisputed facts, what can be the object of this treatment? There can be only one rational answer—IT PAYS to do it. Pays whom? The consumer? Oh, no, the vendor, or as he is generally called, the roaster, and it pays him handsomely. I have seen as high as 30 per cent of damaged, defective, inert and worthless grains in a pound of coffee put up by the originators of this infamous cheat and fraud upon the people. Think of it, THIRTY PER CENT of fraud in a pound of coffee. Cases where twenty per cent of coffee is positively bad and totally unfit for use are common; in fact, one brand that has attracted a great deal of attention lately will average about twenty-five per cent adulteration, most of which is cleverly covered up by this practice of glazing. There is no other food product where this abuse would be tolerated, yet we have permitted it to go on until the adulterators think they have a right to pillage the people.

On a basis of forty-eight million pounds of coffee per year in Ohio, I think it fair to call two-thirds of it cheap or low grade. We then have say thirty million pounds of this coffee sold on an average of say 12 cents a pound. If this coffee averages 25 per cent bad coffee (and this estimate not too high) the people of Ohio are annually cheated out of \$900,000.00 every year. In the same ratio, if six hundred million pounds of low grade coffee are used in the United States every year, the loss to the people in cash will approximate \$18,000,000.00. When these figures are considered it is small wonder that these great concerns interested in this traffic will spend any amount and resort to any measure to defend this practice.

It is time this wrong was discouraged, that this method of robbing the consumer was stopped, and it is the duty of this body to take steps to stop it. This organization has twice gone on record on this question, and I know of no other subject approaching in interest and importance. It is not an easy thing to do, but it can and should be done. There is no one thing you can do as Commissioners that

will contribute more to the welfare of all the people.

In discussing this subject, I have left out the sanitary reasons for discontinuing this practice entirely. It is only necessary to call your attention to the unstable qualities of the egg and its disposition to decay to arouse the nausea of any ordinary stomach, but when we consider that this very characteristic makes the coffee glazed with such material the best possible media for the propagation of bacteria, the reasons are complete for the prohibition of this practice and the answer usually made is that the boiling kills the germs and it is better to take them dead than alive—I prefer not to take them at all. I believe it to be our duty to forbid this practice and protect the public against one of the most glaring frauds that besets our food supply.

PRESIDENT JONES: The discussion of this paper was to be opened by Commissioner H. C. Adams of Wisconsin, but owing to some matters in his state he could not be with us. The next person on the program for a discussion is Hon. Jesse Cope, Dairy and Food Commissioner of Pennsylvania.

FROM DATA TAKEN FROM WELSH ON COFFEE.

Mr President, Fellow Members, Ladies and Gentlemen:

The gigantic extent to which the production and consumption of coffee has been carried of late years, the vast number of hands employed in its cultivation and preparation for market, including the great quantity of shipping necessary for its transportation, and the enormous amount of capital invested in its production and trade, naturally invests the commodity, not only from a commercial but also from a moral and social standpoint, with great importance, creating as it does an industry of almost fabulous proportions and capital, rendering it second to no other article of food or drink in the world. The early history of coffee, however, like that of tea, is involved in considerable obscurity, the almost total absence of any historical fact being only compensated for by an unusual profusion of legendary and conjectural statements, or by pure mythical stories. As far as can be ascertained, it was known to the ancients, although one writer claims that it is mentioned in the Bible, making the bold assertion that the potion offered to King David on a certain occasion, at the hands of the fair Abigail, to calm the temper of the excited monarch, must have been coffee.

It was known to the Greeks and Romans in any form, and though claimed to have been in use among the Arabs at a very remote time, no reference is made to it by Mohamet or his followers up

to the seventh century. No account of its use is to be found during the first Moslem invasion of Southern Europe by Abdulrahman in the ninth century, although large quantities of the commodity was captured in their camp before Vienna during their second invasion of Eastern Europe in the seventeenth century. To the Ethiopians its use is said to have been known from time immemorial, and that the plant and its virtues were first discovered in that country is now generally admitted by all authorities on the subject. The first human beings who appear to have used the coffee-berry in any form being the semi-savage tribes inhabiting higher Ethiopia, to which country the coffee plant is indigenous, and where it is to be found at the present time, growing abundantly both in a wild and cultivated state. From Ethiopia the coffee-plant is claimed to have been introduced into Abyssinia as early as A. D. 875, while, according to Lagrenie, coffee has been known and used in Abyssinia from the very earliest times. From Abyssinia it was evidently first introduced into Arabia, but at what period of the world's history, or under what circumstances, is also lost in doubt. Tradition—never at a loss for some marvelous story—ascribes its first discovery in the latter country to a Dervish, who in the year 1275 was driven out of Moka, pursued and surrounded by his enemies in the adjacent mountains. In the extremity of hunger he is said to have gathered some coffee-berries and ate them, while another Arabian legend attributes its first discovery as an alimentary infusion in that country to a Mollah, named Chadeley, while, according to an Arabian manuscript, the use of coffee was known in Arabia as early as the thirteenth century. In an old treatise on coffee, published in 1566 by an Arabian sheikh, it is stated that the first knowledge of coffee and its use was brought from Abyssinia to Arabia about the beginning of the fifteenth century.

Coffee continued its progress through Egypt, the beverage being received in Damascus in 1530, and in Aleppo a few years later, becoming known to the inhabitants of Constantinople for the first time in 1554, and in Constantinople at this time, we are informed that "a refusal to supply a wife with a specified quantity of coffee per diem was admitted to be a valid cause for divorce."

It is likewise very difficult to determine in what year and in what exact manner coffee was first carried from Constantinople to western Europe, but it is generally admitted that the Venetians, on account of the proximity of their dominions and extensive trade with the Levant, were the first Europeans to become acquainted with it, and it is a noteworthy fact, that the three principle dietical beverages of the world were introduced into Europe within a few years of each other, cocoa being the first of the three

which actually appeared there, having been brought to Spain from South America. Coffee followed, coming from Arabia, and tea, the latest of the series, coming from China by the hands of the Portuguese.

The first authentic mention made of coffee, or its use by a European, was in 1573, the first scientific account of the plant was that given by Alpinus, an Italian naturalist of Vienna in 1591. Its use as a beverage is first referred to by two English travelers—Biddulph and Finch—the former in writing of it in 1603, stating "that the Turks have for their most common drink coffee. It is also referred to in 1621 by Burton in his "Anatomy of Melancholy." In 1657 a small quantity was brought to Paris by Thevenot, its use, however, being confined solely to his own immediate family and a few friends, but in 1660 "several bales of coffee" were shipped from Alexandria to Marseillaise, and in 1671 the first coffee house was opened in the latter city, near the Exchange, "where the merchants met to smoke, talk business and divert themselves with play." But it was not until the year 1669 that coffee drinking became popular in France.

The use of coffee as a beverage, is claimed to have been known in England prior to its introduction into France. One account states that it was first offered for sale there by a Jew named Jacobs, at Oxford, as early as 1640, and according to the journal of Thomas Rugg, dated September 22d, 1651, coffee was then sold in a liquid state. The first authentic account, however, states that coffee was first introduced into England by a Turkey merchant named Daniel Edwards, who on his return from a trip from Smyrna brought back with him a quantity of it. At this time coffee sold for from twenty to twenty-five dollars per pound, but it soon became cheaper.

The sale of coffee in a liquid form is claimed to have been first introduced to Holland in 1664, from whence its use soon spread throughout Germany and other parts of the continent of Europe, while to Vienna the Turks themselves first introduced coffee in 1683.

Coffee houses have been known in the United States from an early period in its history, but for a long time New Orleans was the only city where they existed in their true character, the manner being learned from Paris. Among the American people, however, the beverage has met from the first with great favor, being at the present time more extensively used here than in any country of the world, not excepting the countries of original production. Thus in the course of a few centuries has a berry, until then entirely unknown as an article of diet, except to the semi-savage tribes of Ethiopia and Abyssinia, made its way through the whole civilized world. In the nations professing the religion of Mahomet, it is

drunk at all hours of the day, and during the night by all ranks and classes of the people, from the Sultan and the Mufti to the merchant, the artisan and the peasant. While among the nations professing Christianity, by whom it has been known for a couple of centuries, it is still regarded as a luxury, but indulged in, more or less, by all classes and conditions of society. In none of the states of Christendom was its use ever opposed by religious fanaticism, nor had it to encounter much opposition from political jealousy, except for a brief period in England, when its use was interdicted by Charles II. But like every other innovation which has occupied the human mind, it could not fail to occasion a difference of opinion among medical experts, social reformers and similar bodies. Its history at the present time being only valuable as an example of a commodity for which there is a universal craving amongst mankind in general, civilized as well as savage, and to illustrate how it has struggled successfully, and at length triumphantly, over religious superstition, political opposition, physiological prejudice, fiscal restrictions, exorbitant taxes, differential duties and an endless accumulation of antiquated obstructions. Yet, still, in common with other important necessities of life, it has never attained to the natural state of "unrestricted competition."

Coffee undergoes essential chemical changes in the process of roasting. In the raw or natural state the coffee bean is tough and horny in structure and entirely devoid of the appearance, character and peculiar aroma that so distinguishes it in the roasted condition, and by which it is best known to the public.

It has been the custom for some years back to coat or glaze coffee with certain gluey or starchy compounds, ostensibly to protect the beans from the oxidizing influences of the atmosphere, preserve the aroma and clarify the liquor in preparation, each roaster and dealer having a different compound for the purpose, the real object being to conceal defects, disguise low grades and damaged coffees, as well as to add weight and color to light, chaffy and "quakery" coffees, the process adding all the way from five to ten per cent to the weight, according to the nature of the coffee and the character of the substance used—light, chaffy-bean coffees absorbing more of the material than the hard and solid ones, while the softer and rougher the bean the more it improves in appearance by the process.

In commerce coffee is to be met with in three conditions—raw, or unroasted, roasted and ground—and, as may be inferred, it is the latter condition that is most liable to the chief adulterations, so that with the raw and simply roasted coffee the public analyst has very little to do, excepting to determine the character of the coating used, his

services being principally required in dealing with ground coffee alone.

The Legislature of Pennsylvania enacted what is known as the Pure Food Act, which became a law in 1895. After a thorough investigation and analysis, the condition of coffee, its substitutes and adulterations, were found to be as follows: Taken from agricultural report 1898:

1. Roasted, sweetened wheat, 75 per cent; coffee, 25 per cent; top of package marked: "This package contains 35 per cent of pure coffee, 15 per cent of sugar and 50 per cent of wheat."

2. Sample is exclusively "roasted rye."

3. Sample is composed of bran, cracked wheat, chaff and caramel.

4. Sample is roasted barley.

5. Sample is composed of the roasted and rather finely broken grains of wheat and barley.

6. Sample is composed of roasted peas, about 69 per cent, roasted grains about 25 per cent, and chicory about 2 per cent.

- *7. Sample is apparently composed of coffee screenings.

8. Contains about 64 per cent of pea-hulls, 13 per cent of chicory and 23 per cent of coffee.

9. Sample is composed of roasted cereals and husks of cocoa beans.

10. Sample is composed of bran, cracked wheat and a little caramel; it is chiefly wheat bran, sweetened and roasted.

11. Sample is composed of ground chicory, peas, coffee and coffee-hulls; the proportions are about as follows: Coffee and coffee-hulls, 75 per cent; chicory and peas, 25 per cent.

After the result of these investigations were known, the department requested of the attorney-general an opinion upon the subject, which is as follows:

Office of Attorney-General,

Harrisburg, Pa., January 29th, 1896.

Hon. Levi Wells,

Dairy and Food Commissioner.

Sir: Your communication of recent date, enclosing letter of Stephens & Widlar, of Cleveland, Ohio, asking whether certain labels submitted to your department are sufficient to protect them in the sale of coffee as a compound, which contains chicory, rye, wheat, peas and other cereals or products, under the proviso to section 3 of the act of June 26th, A. D. 1895 (P. L. 317), has been received.

The question involved is one of great importance in the construction of the provisions of the Pure Food Law. As I am informed, the above named firm imports teas, coffees and spices, and, in order to make a cheaper grade of coffee, a certain amount of chicory, wheat, rye, peas, etc., is dried, browned and ground with pure coffee. The mixture thus prepared is sold on the market under a label "Best Rio," "Prime Rio," "French

Rio," or "Broken Java." It is earnestly contended that the proviso to section 3, of the act above referred to, gives them the right to sell such a mixture or compound without incurring the penalties of the law. Acting upon this idea, certain labels containing the words "Coffee Compound," and showing that it is a mixture of prime coffee, English chicory and choice grain, are exhibited for the purpose of securing your approval so that this "Coffee Compound" may be sold in our state without interference from those in charge of the enforcement of the law.

I have no hesitancy in saying that, if such a preparation can be sold under the law as coffee, the label is sufficient under the proviso above named. But I am of the opinion that the proviso does not cover an article of food known as "Coffee Compound," such as intended to be sold by this firm, and that any manufacturing for sale, offering for sale, or selling of the same as an article of food, would be inviolation of the very letter and spirit of the act referred to.

Section 3 of the Pure Food Law defines what an adulteration is within the meaning of the act of Assembly. Any article of food shall be considered adulterated, "1. If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its quality, strength or purity. 2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it. 3. If any valuable or necessary constituents or ingredient has been wholly or in part abstracted from it." These are but three of the seven kinds of adulterations named in the act. Either one of these three definitions is sufficient to brand the "Coffee Compound," offered for sale by the above named firm, as an adulteration. The addition of chicory, wheat, rye or peas to coffee depreciates its "quality, strength and purity." It is a substitution in part, of a cheaper substance to take the place of coffee, and it could very properly be said that in such a compound a valuable constituent has been in part abstracted, for part of the coffee is taken away and a cereal substituted therefor. If the "quality, strength or purity" of coffee can thus be depreciated under the authority of the proviso to section 3 of the above act, then is the Pure Food Law a legislative dream. If this cannot be done, then any adulterated article could be sold by simply marking it a compound or mixture. Allspice ground with buckwheat-hulls, or cinnamon with hemlock bark, could then be labeled "Compound" and sold in the open markets as such. Such a construction would render the act of 1895 a nullity.

The Pure Food Law was intended to provide against the adulteration of articles of food, and to prevent deception and fraud in the sale thereof. The legislation was much needed, and it should

be enforced in such a way as to give the greatest security to the public consistent with the requirements of the act. It is true that the proviso to section 3, above mentioned, says that it "shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food." It is difficult to give any general definition of an "ordinary article of food" that would apply in all cases. It is, however, a fair presumption that no article of food, adulterated within the meaning of the definition of section 3, is intended to be exempted by the proviso. The proviso is designed to cover a different class of cases. Anyone relying upon the proviso to exempt him from the penalties of the law takes upon himself the laboring oar and the burden of proof is upon him to make out the exemption claimed. What is an "ordinary article of food," within the meaning of the proviso, must depend upon the facts in each particular case. I am clearly of opinion, however, that coffee, adulterated by the addition of chicory, wheat, rye or peas, is not an "ordinary article of food" intended to be exempted from the penalties of the law. On the other hand, it is an adulteration, and cannot be sold without offending against the provisions of the Pure Food Law.

I return herewith letter and labels submitted.

Very respectfully yours,

JNO. P. ELKIN,
Deputy Attorney-General.

In compliance with this decision the manufacturers and dealers were required to either properly label all brands that did not comply with this decision, or remove them from the market, and, although there have been continued investigations, it has been found that at this time a very large majority of the dealers handle nothing but the unpackaged coffees, were, with the exception of the glazing, were found to be adulterated. As regards the matter of glazing, the Department of Pennsylvania has taken no action, but have been carefully watching the proceedings in our sister state of Ohio on the question of coffee glazing, which is being conducted under the charge of our able co-worker, the Dairy and Food Commissioner of that state.

PRESIDENT JONES: Are there any other remarks or other discussions upon this question as developed by Commissioner Blackburn of Ohio? This is an important question. I have not, since he started these investigations, been using any of this kind of coffee, unless I do it at a hotel or restaurant, if I know it. It is worse even than I thought it was, and I thought it was bad enough.

We have in my state, in the City of Chicago, an organization there from which I have received a paper. I think it is on the question of telling the variety or different brands of coffee. It comes from the manager of the Chi-

chicago Cooking School. I am not going to recommend it, for I do not know what it is. I do not know what is in the letter. I have just received it and it was sent to the Association in my charge. I will leave it to you, gentlemen, to say whether or not it shall be read. It is prepared by the President of the Chicago Cooking School.

MR. ALLEN: It is a paper, Mr. President, relating to the fraud in the sale of coffee as Mocha and as Java, etc.

PRESIDENT JONES: I have asked Mr. Allen, our Secretary, to read it so that we will know what is in it.

MR. SHERWOOD: If that is pertaining to this subject perhaps this is the proper time to read it, but I should hate to see anything allowed in at this time until this subject is properly discussed.

MR. BLACKBURN: If it is a proper paper, let it be read after the discussion is completed.

PRESIDENT JONES: Very well. I understand that it is not on the subject of glazing.

I suppose some of the Commissioners have had an experience like Mr. Blackburn's, and if so and they have anything that ought to be communicated to the Association we should like to hear from them.

MR. SHERWOOD: Mr. President, I should like to say a word. Since our meeting last fall, when this question of coffee came up, I have been following the course laid down by Mr. Blackburn in Ohio. I have carefully watched the results of his cases in court. I have also taken it up in another line. In nearly every store that I have visited I have talked to the local merchant about the subject of coffee. I think without exception the merchant has expressed a desire to get out of handling the glazed coffees.

The matter has been so much discussed in the papers that without my giving them any information on the subject the merchants have nearly all been in touch with these cases in Ohio. The coffees handled by the local merchants in the bulk are so much better in quality, as they consider it, and at the same time giving them a better profit, that they prefer to handle bulk coffees rather than package coffees.

Of course, the subject should not be taken up on the question of profit alone, but it seems to me if the bulk coffees are better as well as cheaper, it seems to me there ought to be some way to assist the local merchant in getting rid of the necessity of handling package coffee.

The question of adulteration, of course, brings it within our jurisdiction, and if the cases in Ohio are successful through the Supreme Court and the Arbuckle coffee, as well as other glazed coffees, are dispensed with, I

am in favor of taking it up in our own state and pushing along the same line.

I do not believe glazed coffees are what we want.

PRESIDENT JONES: Is there any other member who has anything on this subject?

MR. MONSON: I would like to have that paper there that we received taken care of and disposed of in the proper manner, and if nothing has been done with it I move you it be referred to a committee. If we do not have time to discuss it here the committee can decide whether or not it will go into our Annual Report; and if so, we could all get a chance hereafter to read it. But I move you it be referred to a committee.

MR. GROSVENOR: In seconding the gentleman's motion I desire to propound a question: Where will we come to if we take up all these papers that are sent in? Now I don't know anything about this paper, but I presume some papers will eventually come in from some firms, people who have no standing whatever. I understand that we have already accepted one paper, and if this thing is allowed to grow, before we know it our report will be cumbered with papers from these sources.

I therefore heartily second the gentleman's motion.

PRESIDENT JONES: What committee, Mr. Monson? Do you mean that it shall be referred to a special committee for that purpose, Mr. Monson, or to one of the regular committees?

MR. MONSON: Is there not a committee on this line of work?

PRESIDENT JONES: Yes; there is the Committee on Program that looks after those matters, or the Printing or Executive Committee could take charge of it.

MR. MONSON: My idea was that the Executive Committee should take it up.

PRESIDENT JONES: Is there any objection to this being referred to the Executive Committee? If there is not, all in favor of it being referred to the Executive Committee signify by saying "aye."

Motion carried.

Are there any further remarks by any member of the Association on this subject of glazed coffee.

MR. GROSVENOR: I desire to say just a word concerning the general condition of the package coffee, not particularly perhaps regarding glazed coffee, about which this paper read this morning particularly refers.

I believe it is a subject entitled to very careful, close consideration by the different commissioners. To support that statement I will say that just about as I laid down the duties of Food Commissioner in my state we were

called upon, at the request of some merchants, to investigate the coffee supply. Some merchants were engaged in a competitive war over the price of rival brands of package coffee. In one instance, in a store in the State of Michigan, in opening the boxes, which, of course, were the original packages containing the pound packages, and then in breaking open these packages and sorting out what was worthless in the way of sticks, stones and dirt, a sixteen-ounce package of coffee, I remember, contained one and one-half ounces of sticks, stones and dirt. Now it seems to me that is right along the line.

The Commissioner of Ohio has shown here this morning and he has said that the conditions are improved locally. Would it not be well if the other commissioners would see that the conditions in their locality are also improved?

MR. DOOLITTLE: I would like to inquire of Mr. Blackburn just the present condition of the prosecutions he has started in these cases.

MR. BLACKBURN: I will state, Mr. Chairman, in regard to the status of prosecutions started in Ohio, that we have never had anybody that appeared so anxious for a fight that it has taken so long to get ready. Our greatest trouble has been to get the cases into court and get action. We tried a case last year and they delayed some four or five months before we finally got the case to trial; then after the case was ready for trial (a case that ordinarily would take two or three days to try) they spent over a week in qualifying the jury. The trial lasted some four or five weeks and came up on appeal in the Common Pleas Court. But about the time our department was ready to bring this action they went into the United States Circuit Court in Cincinnati, Southern District of Ohio, and attempted to enjoin the Commissioner from prosecuting the sales of their coffee and from prosecuting dealers handling their coffee. When I say that I mean the Arbuckle Company, as they have taken the responsibility of defending all these prosecutions. Incidentally now, that decision in the United States Circuit Court, rendered first by Judge Thompson and afterward confirmed by the United States Court of Appeals, as described yesterday by Mr. Bonham in his paper, who made decisions affecting our pure food law, and they have also taken this case to the United States Supreme Court, further appealing it. I have not a particle of doubt but that we will win that case by the unanimous opinion of the court. Every court that has had the question under consideration so far, every United States court, has confirmed the position of the Commissioner as well as his construction of the law

and his definition as to what constitutes compounds.

Now as against that we brought a prosecution in the City of Toledo last year against a grocer in Toledo for handling Arbuckle coffee; but, of course, the Arbuckle people defended the man in magnificent manner. The defense was able and brilliant and as spirited as anybody would care for. We had as pretty a fight as any one could ask for. It lasted four or five weeks and I have heard that Arbuckles have spent forty thousand dollars in litigation in the State of Ohio during the last year. Of course, I do not know whether that is true or not; but it gives an idea of what they are doing in the way of defending these people, regardless of expense. They are doing all they possibly can to defend the parties.

We convinced them in the lower court after fighting one case five weeks, and after the jury had stayed out all night they found a verdict. We thought that was quite a defeat. The case went to the jury and the jury went out some time Friday afternoon, and about Saturday noon we received a verdict of "guilty." The case was promptly appealed by the Arbuckles to Judge Pugsley of the Common Pleas, judge in the County of Lucas. He reversed the case and discharged the defendants and threw the case out of court, claiming that the case was full of error, and I think possibly there was some ground for the complaint of error in the case. The attorneys for the defendant did all they knew how to do to get error into the case. They did not spare any time or any means or any expense to get error into the case. Why they did it I presume they know better than I do.

That case was in such shape that the department did not care to appeal it, because there was error. In order to get this question judicially interpreted we have started two other cases in the City of Detroit; and the first thing they did was to ask for two months' delay, which was refused. These cases were set for trial I think the 14th of this month, but they have been set several times and there have been delays time and again, and there may be other delays, and I don't know when they will be tried. But so far as our department is concerned we are doing all we can to get them tried right away. So there is the situation.

There have been three decisions affecting these cases, one by Judge Thompson, judge of the United States Circuit Court; one by Judges Day, Leiter and Sumner, the last three judges of the United States Court of Appeals. These opinions were favorable to the department. In the Toledo case the Common Pleas Court decided against the department very

radically and reversed the decision of the Justice of the Peace. And there you are. You have four judges of the United States Court against one judge of the Common Pleas Court.

I am sorry I did not bring all these opinions with me. I think it would have made an interesting part of this report.

MR. ALLEN: I would like to make a motion, if Mr. Blackburn does not object to it, that he prepare these decisions for us and submit them for publication in this report, for it is a question I want to take up in Kentucky as soon as we can prepare for it. I am satisfied it is one we should take up and I should like to have all that material in shape to save us unnecessary trouble in what they have gone over.

MR. BLACKBURN: I would like—that is, I shall be glad to submit all these decisions.

PRESIDENT JONES: It is moved and seconded that Mr. Blackburn prepare a brief of the cases for publication in our next Annual Report so that the members of the Association, as well as people generally, may have the benefit of it. All in favor of the motion will signify by saying "aye."

Motion carried.

Note—These decisions can be found on pages 295, 296 and 297 of this report.

MR. BLACKBURN: I want all the judicial opinions in this record so that everybody can take his choice. I do not agree with Judge Pugsley, but that is a mere matter of detail, as somebody remarked last night; but I don't think it makes any difference whether I agree with him or not. I want all these judicial opinions in the record so that people can make up their own minds.

PRESIDENT JONES: We shall be glad to have the brief of the cases tried in Ohio and put it in our next Annual Report for the benefit of the Commissioners of the other states that might want to look up the question. I understand, Commissioner Blackburn, they had arrayed the authorities there and prepared a brief; and I understand there is no objection to making it a part of this report; that they voted to do so.

If we are through with this topic we will now come to the next topic. I think it is one of great importance.

But before we come to this I think first, in justice to Mr. Blackburn, who is chairman of the Executive Committee, and myself, I want to make the statement here that before we had our meeting in Columbus, Ohio, we addressed every member, or intended to at least (and I want to say right now if any one was missed it was inadvertently and not intentionally), stating that we were going to have a meeting for the purpose of making up a program. We

wrote, as I say, or intended to, to every member, stating that we would live very much to have them take part, and if they desired to do so to let us know what topic or subject they would like to talk upon. I understand from one or two of the Commissioners here that they wrote us and designated a subject upon which they would address the Association, as they had had considerable experience along that line, and that those topics were not included in the program. I am very sorry about it, for it was unintentional. It was intended to give every one an opportunity, and not only that, but I know that this Association would have desired to have heard from the parties.

Now if there are any cases of that kind—if we have missed any member of this Association and he has been left off this program—we will be glad to hear from him. I do not recall getting any letter from the gentleman, and he will know who I mean, but all these letters that I got I took to Columbus and put before the Executive Committee, and all that Mr. Blackburn received there, and the committee made up the program from them. And if any one was missed I assure you it was done inadvertently.

I say this in the way of an explanation of the matter, so that any other member who should have addressed the Association may understand that it was not intentional, for we need to get all the information we can.

MR. HAMILTON: In regard to this coffee discussion, Dr. Gordon, a physician of this city, has asked me a question that I will put now to Mr. Blackburn, and that is substantially this—What is being done by the Dairy and Food Commissioners of the country to prevent the sale of inferior coffee by restaurant men and those serving meals to the public? Are any samples being taken of coffee that is actually placed upon the restaurant tables to see whether it is of the proper quality to be served to the public?

MR. BLACKBURN: Do you address the question to me, Mr. Hamilton?

MR. HAMILTON: Yes.

MR. BLACKBURN: I will state in response to that question. Mr. Chairman, that, speaking for the Dairy and Food Commissioners of the country, I do not know what they are doing, if anything. Speaking for one Dairy and Food Commissioner, at present located in Ohio, with serious intentions of moving to Oregon, I will say that we undertook to settle that question and we had some experience with it.

I had not been in the office thirty days until I received a complaint of a railroad restaurant that they were selling the worst that ever happened. I think of all the filthy slops ever contained in any one admixture, I think railroad

coffee is the worst. We went after them, but we did not make a success of it. They complained that the sample we got as the last bit of coffee in the urn; and the urn had been on tap for five or six hours and this was the last drop of it. Then we got so busy in other matters that we gave it up.

I think we ought, in some way, to be able to reach that matter; but just now I confess I don't know. You see, running a railroad restaurant is not just like running a restaurant in town. In town a man has to run a restaurant and furnish people with something they will like, so they will want to come back; but eating at a railroad house you have no choice. If they give you a brick or a stone for bread you have to take it and pay three prices for it; and the same way with coffee. No matter what kind of slop they give you, you can take it or starve.

I have never been able to accomplish much along that line, but I should like to hear from others. These railroad officials usually have an interest on the side; they are usually controlled by a sort of syndicate.

MR. HEINER: Do I get the idea from you, Mr. Blackburn, that these samples were taken by you from the coffee prepared for drinking purposes, or from the coffee before being prepared for dinking?

MR. BLACKBURN: We took the coffee, or the stuff they called coffee, just as it was drawn from the urn. It was the infusion—I believe it is properly termed infusion. We did not succeed in doing any good excepting to scare them a little; but as far as getting actual results is concerned, we did not accomplish anything through the law. We would simply go in there and take the samples and scare the fellow a little. They said the coffee was improved a little bit, temporarily, but I don't think we got any permanent results from it.

I would like to hear from any of the other Commissioners that have ever tackled this proposition.

PRESIDENT JONES: If there are no others who wish to address the Convention, no other remarks to be made on this subject, we will pass on to the next topic.

We have here one of the most important subjects, I think, with which the Commissioner or the department has to deal, and that is "How to Label the Different Food Products, and Rulings on Same."

In sending out these letters we had considerable trouble on account of the fact that, at that time, Portland was considered a good ways off and a good many of our people thought they could not come until we made arrangements for coming as we did; and so it took them some time to ascertain whether or not

they would take these subjects and take part in the discussions; and this being a very important question, we went to one of our old Commissioners, who is now an ex-Commissioner and who I think (and I think every member of this Association agrees with me) is as well posted on this line of work as any Commissioner, perhaps, in the United States, and he has taken his time and agreed to come out here and address us on this subject. Hon. E. O. Grosvenor, ex-Commissioner of Michigan, will now address you.

MR. GROSVENOR: Mr. President and Gentlemen: I first wish to place myself on record, in view of what your President has just said, that I was not asked nor did I advise the committee that I wished to make an address on any subject, and I think it is pretty tough for the President to make that statement and then call me out.

PRESIDENT JONES: I beg your pardon; did you not get an invitation to come and address us?

MR. GROSVENOR: Yes, sir; but I got no letter asking me whether I wanted to or not.

PRESIDENT JONES: I sent a letter out, perhaps not altogether as an invitation, but as a request that you address us. I don't remember just how the letter read.

MR. GROSVENOR: Well, Mr. President, my apologies are first due to the Association for the want of a more carefully or better prepared effort, and they are next due to the stenographers for not having written the address out. But you will remember that it was a little late before the Executive Committee finally got together, and time was then for me, at that particular period, a little limited, so that I have not been able to prepare anything. I hope the stenographers will bear with me and the association.

The president has truly said that this is an important matter. In the compilation of the food laws, starting in with the State of Massachusetts and coming down to the present time, the tendency has been to make everything technical; and the first Massachusetts general food law—I am not referring now to any specific laws, for where a specific law is enacted to cover a certain, for example, vinegar, it is a very easy matter to say just how that particular product should be labeled, because the law specifies. I am referring more particularly to general food laws. Now the first general food law of the State of Massachusetts was comparatively simple, but it had its defects, and in attempting to cure those defects in the law, the law was made still more general in its provisions and the authority given the enforcing power more absolute.

MR. PRESIDENT, I would like for some gentleman to call time in about ten or fifteen minutes be-

cause I know the time of this association is valuable, and I do not want to take up any more of your time than that.

I shall not discuss, with your permission, gentlemen, the question of labeling so much as the question of putting ourselves where we can get a label that is reasonable and right and just. It is not necessary to discuss the question of labeling (which we have been doing for years), for this reason: Every general food law in the United States is identical down even to the punctuation, down even to the end of the sixth common subdivision, starting, you will remember, with "An article shall be deemed to be adulterated," etc., and all our laws are identical down to that general proviso. You will remember that under this subdivision there is included every conceivable mixture (call it adulteration, or compound or mixture, or what you will); every conceivable blend or mixture of two substances to produce a third, or of any two substances to adulterate one is absolutely prohibited. Now, in order that compounds may be sold there must be added a general proviso; and I regret to say that there are about as many different provisos as there are states. How this comes about I am not prepared to state; but we do know that Michigan, for instance, attempted to copy the law of the State of Ohio. But we have located the man who was wiser than the solons of the State of Ohio, and he amended this general proviso, when the law was passed in Michigan, because he thought he had a better wording for it, and the result is that these two states are thrown widely apart on all mixed products.

Now, if you had said, in assigning me this subject, How to Label Food Products in the State of Ohio, and I had had an opportunity to thoroughly study the Ohio law and the Ohio decisions, I think I might have talked on that subject. It is no trouble to label the pure product. The manufacturer and producer in this country are entirely satisfied with your general rulings on the labeling of pure or specific products; but it is with the mixtures that all the trouble arises; and that, in my opinion, is the only branch of this question that is worthy of discussion, and it is useless to try to discuss that on account of the difference in the general provisos. We have so many laws in so many different states and they are different in every state in that general provision.

I want to digress right here, Mr. President, long enough to say that in my judgment—excuse me, I would like to withdraw that and start again.

About the first of May, 1897, I wrote the Commissioner of Ohio (then Mr. Blackburn), and we had a meeting in the City of Toledo. We discussed the relations between the states and very much concerning the difficulties of the manu-

facturers—that a man manufacturing goods in the State of Ohio and branding them for sale in that state, and sending those goods up into Michigan might there have them condemned, and vice versa. We determined that the best thing to do was to call a meeting or issue a letter to the different food commissioners, asking them to meet and form an association through which some solution of the vexatious problem might be brought about. That letter was issued and resulted in a very nice meeting. I think there were twelve states represented in Detroit in our meeting in July, 1897. Now, gentlemen, the primary object of the organization of this association (and a copy of the by-laws and constitution will show it, as well as the original letter calling the commissioners together)—the primary object of the organization, I say, of this association was what? Simply to unify the different rulings. I think rulings is a bad word—I think the word constructions should be substituted in every instance. A man has no right to rule, but he has a right to put a construction upon the statutes. The unification, then, of the different constructions under the different food laws is, in my opinion, the greatest excuse for the existence of your association. Of course, we all get a great many pointers—a great deal of good comes from our meetings and from the discussions of the different questions. We may be compared to a business men's organizations where all of a like business come together to discuss business matters and to work together to secure freight rates, if you choose, and other concessions, and is an entirely selfish organization. But outside of the selfish side of it, this association, in my judgment, being composed entirely of servants of the people (as we are fond of calling them) have a duty to perform, an obligation owing to the commercial interests of this country, who distribute these very products which these laws are supposed to control. But this is a commercial country and I challenge the statement that it is not one where it is necessary for all the commercial interests and all the controlling interests to be entirely in harmony.

I want to say to you, gentlemen, here now (and I stated it at Buffalo), so that there may be no misunderstanding I want it clearly understood, that I am in the employ of a number of the large producing houses of this country. Now, just because I am a lawyer and am in the employ of this concern, do not assume that it is in a legal capacity. It is simply to keep them posted as to what is necessary to brand their products. It is quite a job and if you don't believe it, just try it.

To-morrow one of you starts a case against adulterated goods in the justice's court and you get part way into the trial, perhaps, and your attorney says, "Now, we are wrong about this;

we have not got the right of this law. I think we had better duck," to use a slang phrase. But it is bad policy for the department to come out openly and say they are wrong, so you get out of it as easily as you can and you don't start any more cases against those goods. It discredits one, and it discredits his administration to come out openly and admit he is wrong, so you do what the newsboys call "duck." I have done it; I know how it is done. You will quietly allow that ruling or construction to stand perhaps, but you don't bring any more prosecutions under it. One firm finds that out and goes right ahead and sends the goods out just as before. Another firm finds out what you are trying to do, and he tries to do what is right, what you wish done, and he ships in pure goods and wonders why he has to suffer the competition of the other fellow.

Now, that is why I am—In speaking to a gentleman this morning I stated that the laws, and the publication of the laws in your proceeding—and I wish here to add my commendation to the shape in which the last year's report was gotten out. Now, suppose you submit the laws of Pennsylvania to any three lawyers in Oregon (or any other state), and ask them how they would brand a mixed mustard and you will get three answers. Now, that is no joke, gentleman. That was shown in Washington. When we were there this last winter, we asked a gentleman, under a certain bill (as he was there talking for the bill) how he would label a certain product; and he said: I would brand it under such and such a section, and such and such language. Well, we asked, could you not brand it under another section, mentioning it. Well, yes, he said, that is true. We then mentioned a third, and he said, well, yes, I think that might control it, too. Now, there were three different constructions—three different labels possible, under one act. This is a matter of fact, gentlemen; it is no ghost story.

Now, the present conditions are that we have twenty-nine general food laws in twenty-nine different states with almost twenty-nine different general provisos; and, at least in some instances (it is a pretty broad statement) almost twenty-nine different labels required for one product; and yet we are asking Congress to pass a federal statute that is radically different. It will result, if it becomes a law, in this: A man living in the State of Ohio and desiring to sell goods in Ohio would, of course, not be amenable to the federal statute. Therefore he can manufacture the goods under the Ohio law and sell them under the label required by the Ohio law, which, let us say, is Smith. But now suppose he desires to ship those goods to Michigan, in comes the federal statute and says, if you cross the state line between Ohio and Michigan you must brand those goods Jones. He goes ahead and brands

those goods and he brands them Jones, and Brother Blackburn does not find him out and he ships those goods up into Michigan. He has to have them branded Jones so as to cross the state line and when he gets them into Michigan the commissioner there nabs them (he nabs most everything in sight) because they are not branded Brown, as required by the Michigan law.

Now, the question of artificial extracts involves this very condition that I have just outlined. Brand them in Ohio and you have one law; export them into Michigan and you have another law; and under the present construction placed upon the present Hepburn bill, you certainly could not sell them under either brand. What, now, is a man going to do? That just shows where the variations of the food laws have brought us.

I wish to say that I have learned more from personal contact with the gentlemen of this Association on the question of uniformity of labeling than I have ever heard before at any meeting, and I say to you, gentlemen, that, speaking for a number of the very largest producers in the United States, and the most reputable, I am prepared to say to you that they will endorse and work for the passage of any good measure that you gentlemen wish; not because they agree with you, perhaps, but because they have been harassed and taxed to such an extent by the opposing requirements in the different states that they are prepared to accept any law, and live up to it and brand their goods just as you say, provided that law is uniform in the different states.

A man living in the City of Columbus and manufacturing goods there ships them to the City of Chicago. Those goods are branded according to the requirements of the law of the State of Illinois. The manufacturer assumes, he must assume, that those goods are going to be sold in the State of Illinois. But a jobber comes in and ships a part of these goods across the lake into Michigan. The Michigan commissioner gets after them; and the name of the Columbus manufacturer being upon them, he has to suffer the odium of having his name published, and perhaps to stand a prosecution for the sale of misbranded goods.

That is the present condition and I know you gentlemen are willing to help these manufacturers.

Mr. President, rather than discuss the question of labeling, I would like to say a word or two about the practical necessity of doing something in the way of unifying the different state constructions; and upon a national food law. At the end of the discussion I desire to move you that a certain course be pursued.

Now, gentlemen, at the present session of Con-

gress (they have not adjourned yet I believe) there were five different food bills introduced. First there was the one pushed by the members of this Association, I believe with authority, and introduced by Representative Warner. Now, this bill went to the Committee on Agriculture; in my judgment a very unwise place to put it. Then there was the so-called Hepburn bill, which is a remodeled Brosius bill. This went to the Committee on Interstate and Foreign Commerce; then there was the so-called Mann bill before the same committee. The Warner bill was never considered, but the contest and all the argument was on the Hepburn and Mann bills. I believe that is correct, Mr. President, that the Warner bill never had a hearing. Of course duplicates of these bills were introduced into the Senate.

Now, the Mann bill was a very radical departure from anything ever proposed in food lines. It did not provide for any regulation of any product in the matter of labels, but it did provide for the prohibition of any substance which was injurious to health. Needless to say, not a single member of the Senate committee voted for the Mann bill. The House committee stood, I believe, nine to seven; nine for the Hepburn and seven for the Mann bill.

The Hepburn bill was reported and put on the calendar; and the same thing was done in the Senate, and there it lies, in spite of the positive declaration that it would become a law at the present session of Congress. Why don't it become a law? In my judgment it will not pass this session, or the next or the next. Practically that same food law has been proposed every session for fourteen years and there has been nothing done with it. Now, why? The principal reason, in my judgment, is the one stated yesterday by the gentleman from Pennsylvania—it includes too many things. It includes drugs and certain food products not intended for human consumption. That is one reason. Now, a second reason is that it attempts to control articles intended for export. Now, why should we be interested in articles manufactured in this country and for which we have a foreign market, and only a foreign market. Men, I am told, purchase articles in this country and ship them for consumption in the thickly populated portions of the East, where the population is very poor and where the goods must be sold very cheap, and where the class of goods demanded is not such as could be sold here at all. And to label those goods as proposed by any food law yet introduced would be to absolutely kill them; yet they insist that all goods for export shall be labeled. To be frank, I notice that the gentleman from Pennsylvania includes that same provision in his proposed law. I say to you, gentlemen, in all earnest-

ness, that is one great stumbling block against the passage of pure food legislation. And another thing is that some of the food bills charge the transportation company with the observation of this law. If a transportation company receives from you or me, and transports across the state line, a product which we manufacture and which is not properly labeled, then that transportation company is personally liable. It does not need any explanation to show why this is a stumbling block in itself.

In my judgment, Mr. President, the time has come for a radical departure from the style of the present general food laws.

I have a scheme which I wish to propose to this Association which I hope they will take up and handle as they see fit. But I hope you will make some report, not upon my ideas but upon their ideas. I have studied the matter somewhat and I feel free to make the suggestion which I will submit to your committee in writing (if you see fit to appoint a committee) and it is just this:

Take any specific article, remembering now this distinctive feature that a specific article is one product, has but one source, and is but one thing, and

First—How can you adulterate that? Only in two ways, by adding something to it or taking something away from it.

Let us take something. You cannot change pepper so we will not take pepper. Take flour, conceding that it is whole wheat. Now, how can you adulterate whole wheat flour? Either by taking out the patent flour (which is the high priced product), or by adding to it a starchy product. There are the only two ways in which you can adulterate any specific article.

Then why not apply the food laws?

An article shall be deemed to be adulterated:

First—if anything has been added to it.

Second—By taking something from it.

Now, there you have covered every possible adulteration of every specific product.

Now, add a third clause:

Shall contain nothing injurious to health. Or perhaps that should be first. That is your old seventh subdivision. Now, let us say, as a fourth proposition, that

No goods, which are mixtures and compounds may be sold—This of course, gentlemen, is my idea as to how these compounds should be branded—

All compounds may be sold provided the label distinctly and plainly shows every ingredient of the compound.

This will allow a man to sell an adulterated mustard, if you choose, by stating:

This mustard is a compound mustard; this (some other mustard, if you care to put any

word) is composed of mustard, wheat flour, bran, middlings, blue clay and old iron—stating them all in the same sized type so that all who run may read.

MR. BLACKBURN: How about the percentage?

Mr. Grosvenor: I am opposed to the statement of percentages, and I think it would meet with a world of opposition for the reason that a man does not like to state his trade secrets on a package. Now, it might seem that they ought to, but I undertake to say that is not true. For instance, take catsup; there are many manufacturers of catsup but perhaps there are only four or five who put a really first-class article on the market. They differ very much in formula; and the man who has taken a formula and has worked it out and has a good product does not want to tell anyone what that formula is. Why, gentlemen, take the case of Lea & Perrins' sauce. At a meeting of this Association in Milwaukee, which was attended by a large number of producers, one gentleman made this statement on the floor of the convention: "I will give fifty thousand dollars to anyone who will tell me what is in Lea & Perrin's sauce. I don't ask for the formula, I just want to know the ingredients!" Now, suppose it would be possible for you to make Lea & Perrin put that formula on that sauce? I raise that not as an objection of my own, but as a positive and absolute objection to the passage of such legislation; because you would have the opposition of any and everyone who had a formula that he thought was worth anything.

Now, the point was made in Washington that if a man knew what he was eating he could protect himself. They went so far as to say—and one eminent physiologist who testified there made this statement: "I have no doubt that the practice of coloring vegetables with copperas is injurious practice, and that the use of vegetables so colored is injurious to the average person." But, he went on to say, "I don't think it is to me." He said, "I like them and eat them freely, and I don't believe they hurt my stomach at all; but I would not advise everybody to eat them." He said, "I think that is true of all products. Some people cannot eat raw milk, but must have it pasteurized or it is a bilious food," and so on through the list. We have only to think a moment to know that within the circle of our own acquaintances many are not able to eat certain products.

Now, Mr. President, I believe it good policy for this Association, with its prestige and influence to become the leader in this matter of food legislation. Not alone in the national but also in state legislation under police powers of the several states. I believe the time has come when some one will come out into the bold calcium light and say:

We stand for national legislation along this line and we believe in it so far that we are willing to go to our own state legislators and present this scheme in a bill and ask to have it enacted as a state law, without any change. In that way, and in that way alone, Mr. President, do I believe that you will ever secure uniformity. It cannot be done under rulings. You will all recall the work done by the first committee on unification of the rulings. This first committee I believe was Adams, Blackburn and myself. We worked on it for a number of years and never could conceive of any scheme, on account of the conflicts in the language of the different statutes; and in my opinion the only way to secure uniformity, and you, gentlemen, cannot serve the best interests of the country better, and it certainly will not conflict in any way with your duty as servants of the public good, than to devise some plan some scheme of legislation which will cover these different food products and will at the same time eliminate the objections. You have got to concede some things or you will never get anything, or not for a number of years.

Now, there has been something said regarding the necessity for money. In my opinion, Mr. President, it is only necessary, to secure a fair showing in Washington for your ideas, it is only necessary for this Association to send a delegation of bright, reputable men down there, and I think you will get a better hearing than a whole department of commercial men could secure.

The governmental departments are fighting for control of this food law. There is a little bit of contest for the control. I am not ashamed to say that, in my judgment, the enforcement of the national food law should go to the proposed Department of Commerce, because it will be in closer touch with the importing and exporting business of the country and with the country's commercial interests. At the same time it will be a new department and there will not be so many divisions as now exist in other departments; and it will not meet the opposition there that it would elsewhere. In my judgment a person down there advocating a law for which he could secure fairly good support could much easier get it passed by attaching it to the Department of Commerce than in any other way. The one thing they will not stand for is the erection of any new offices. This would kill any proposition for the appointment of a food commissioner. The Interstate and Foreign Commerce Commission of the House are a straight out unit against the creation of any new jobs excepting in the Department of Commerce.

Now, I have endeavored to state, Mr. President, what has seemed to me the crucial truth of this proposition as seen from Washington, and after a discussion of the question I wish to move that the chair appoint a committee of three possibly

(a volunteer committee if you please), a committee who will do some work, and ask that committee to work on it for the next year and submit at the next annual meeting of this Association, a scheme for a national and state food law which shall be uniform this country over; and then it will be much easier to control all interests, to control the labeling and sale of food products under these conditions.

I forgot one thing, which I have still forgotten. Thank you.

PROF. SHEPARD: I would like to ask you, Mr. Grosvenor, in your judgment, do you believe it would be possible to enact a national food law that would practically do away with the State Dairy Commissioner? Do you think the thing is feasible, or would it be necessary to enact a food law, a United States food law with supervisory and directory powers, we will say located in a general office at Washington, who should act in connection with the State Dairy and Food Commissioner?

Now you see the point is right here. If we try to enact a law that shall give the whole control all over, see what a complicated affair it must be. Each state has its own need to be looked after and it needs local organization and a local arm to be there at work, somebody to be on the ground. And do you believe the people of the United States would stand for it? Do you believe they would stand for a law where the people on one side of the continent are to have their interests looked after by a man on the other side of the continent, a man who probably could not come there once a year? Is that a business proposition? Do you think the thing is practical? Is it feasible? Is it the best proposition?

MR. GROSVENOR: Mr. President, if I understood the question, it is whether a national food law can take the place of state food laws and have the administration of the whole question in the states themselves.

PROF. SHEPARD: No; the question was whether these laws, and the policing of these laws, should be entirely invested in the United States Commissioner, appointed by this national law, or whether the State Dairy and Food Commissioner should not be independent—that is, to a certain extent—working, acting and moving in the state and having the immediate supervision, under the guidance and the direction of the unifying influence of the United States officers appointed to enforce that law.

MR. GROSVENOR: Well, Mr. President, is not that question entirely done away with by the proposition that the federal statute can only apply when you come to cross the state line; can only have to do, not even with the

interstate importation; cannot even go that far, but can only have to do with the actual transportation? It has been well agreed upon in Washington that a national food law can, to be constitutional, only apply to the transportation of goods across the state line; and that the man who causes these goods to be transported is the only person liable, not the manufacturer, perhaps. If you buy the goods and put them under your arm and cross the state line you would be liable. It leaves the state to do as it pleases. They can manufacture and sell anything under their state laws, and the national law could not touch them until they attempted to transport them across the state line.

MR. HAMILTON: Is it not true that if a national law were to be enacted, making the manufacturer responsible for goods before leaving his possession, that the goods after leaving his establishment, marked with his name, would, if taken and found to be adulterated, convict him of transgression of the law and render him liable to be punished by the United States authorities?

MR. GROSVENOR: In my judgment, Mr. President, not at all. I don't think there is any question about it; because you have got to show that man's intent to transport those goods across that state line. The manufacture of them within that state presupposes that he is going to sell them in that state, and if he is going to sell them within that state the national law has no control whatever over them.

MR. HAMILTON: But after they cross the boundary of that state, then the United States government can come into the second state, take samples and prosecute the man who furnished the goods from the other state?

MR. GROSVENOR: Will the gentleman undertake to say that I, manufacturing goods in the State of Oregon, intending to sell them in the State of Oregon and never having shipped them from Oregon—does the gentleman mean to say that any one could take a package of those goods and take it over into the State of Washington and make me liable under the federal statute?

MR. HAMILTON: If a manufacturer in the State of Oregon ships his goods over into the State of Idaho, is he not liable under the federal statute?

MR. GROSVENOR: Certainly, if he ships them. I thought I made that clear that it is the man who ships them or intends to ship them or manufactures with intent to ship.

MR. HAMILTON: And the jobber who ships from the State of Oregon goods manufactured in the State of Oregon into the State of Idaho is responsible?

MR. GROSVENOR: Certainly; it is always the man who ships the goods that is liable; not the manufacturer.

MR. MONSON: In speaking of getting too much in this pure food bill, I would like to ask Mr. Grosvenor how we could avoid getting too much in it? Haven't we got to include everything in the adulteration line, the labeling line? If we took only a few articles, as some one has suggested, would they not consider that class legislation? We would have to include everything in the line of pure food products in order to get a bill that would be constitutional. Is there anything we could leave out? My idea (if asked that) is that in our state in prosecuting oleomargarine offenders we can prosecute a hundred men successfully, one at a time, but if we take one hundred of them or two hundred, the probability is we won't convict a man. It is my idea that people undertake to do too much. Now take the labor strikes in our state. The strikers require too much increase in wages or too much shortening in the time all at once. If they would ask an increase of 5 per cent and the employing interests would agree to that, and then in six months demand another increase, they could gradually work their way up to the 25 per cent increase for which they started out; but to demand a 25 per cent increase all at once, they fall down.

I remember one incident in regard to gambling. The police had arrested a man for running a gambling house and the judge threw the case out of court because he said there were other gambling houses in the city, and until they brought up all who were violating that law he would not proceed against any. I thought at the time it was a very poor argument for the judge to make. If that holds good in this pure food law and the pure food commissioners have got to bring every violator of the law up at once there would be so many they might influence the judge and jury and we would be left.

I am in favor of including in this pure food law not so many articles, not making it so extensive, if it can be done. Say take catsup and extracts and have a national law passed on that until we get them used to that, and then take up something else. That is the plan to proceed with if we can. But have we not got to include everything? That is my opinion that we have got to include everything and have everything labeled and branded that we want to pass the national law.

PRESIDENT JONES: We are digressing a little and perhaps the discussions will bring this out all right. When we are through with the discussions any one can ask questions they want to, but it is hardly fair to let the discussion go on until they get through.

The discussion is to be opened by Hon. J. E. Blackburn of Ohio.

MR. BLACKBURN: Mr. Chairman, you need not call anybody down on my account. I have already talked more this morning than I cared to. But there are two or three points on this subject that I think could perhaps be touched upon with some slight advantage to ourselves. The subject is "How to Label the Different Food Products, and Rulings on Same."

Mr. Grosvenor discussed some of the state laws and then tried to discuss an ideal national law, if such a thing is possible.

My idea about how we should label the different food products is to label them so that the consumer knows exactly what he is buying. I desire to take issue with Mr. Grosvenor on that subject. He says it is an injustice, a wrong and a hardship to require the ingredients to be printed on the package and the percentage. The ingredients and the percentage; I stand out for the ingredients and the percentage both being placed on the package.

MR. GROSVENOR: I do stand for the ingredients, not the percentage.

MR. BLACKBURN: I accept the gentleman's correction. What I meant to say was this, that I took issue with you in regard to the percentage on staple goods. I want to draw a line of distinction between staple goods or specific articles as differentiated from a proprietary article. I will take the illustration given by Mr. Grosvenor. He mentioned Lea & Perrin's sauce, a well-known table luxury, not a food. It is hardly a condiment, but it is a luxury and a good one. I use it nearly every day, and I think every one else does who likes those things. Lea & Perrins' sauce is a proprietary article, as a result of their experiments, at their own expense, and they are entitled to all the protection the law can give them, and I think it would be wrong for any one in this Association or any other to attempt to compel the proprietors of that article or any similar article to publish their formula, giving all the ingredients and percentages on each label.

On the other hand, you take jelly, which was also mentioned yesterday, and I cannot see where there is any real harm done in that case, because there is no proprietary interest in that, unless Mr. Grosvenor, for instance, should get up a particular brand; and then he can call it "E. O. Grosvenor's Pure Jelly," and it becomes a proprietary article by that brand or label. There would then be no occasion to require him to put the formula on that package, unless it was demonstrated that there was something in that package injurious to health.

There is only one object in requiring them to label their goods, and that is so that we may know what it is, and it is unnecessary to make

them label unless they tell the truth about it; better have no label at all. For that reason, any articles of common, general use, such as jelly or vinegar, or any of those common, everyday mixtures, such as sirups and molasses, and common articles of commerce, I believe unless they are absolutely pure the name of the formula should be on every package offered for sale.

Take the sirup question, which was discussed somewhat informally the other day, and I will venture the assertion that there are very few places where you can get absolutely pure samples of cane sirup or sorghum. I have not seen one in years, and what started as a practice a few years ago to put in a little glucose to take away the raw taste or to make it more mild, pleasant and palatable has now grown to such proportions that now they take the glucose and add a little sirup to it, where formerly they took the sirup and put a little glucose with it. What started as a very laudable ambition to increase the palatability of a food product has now come to that point where there is 90 per cent of adulteration and 10 per cent of sirup. There is only one way to meet that question. If Mr. Grosvenor wants 90 per cent glucose in his sirup I have no objection; he is welcome to it. On the other hand, if I want 90 per cent of sirup and 10 per cent glucose I have a right to demand that and have some assurance that I get it. I think this is only fair; I think this is logical and I think it is reasonable.

Now if, on the other hand, some man should invent an especially healthful and delicious quality of cane sirup he does not put that out under the general trade name. He says "This is John Smith's Superfine Golden Drops, made and guaranteed by John Smith, Kalamazoo," or something of that sort. Now if you go in and call for golden drips you get golden drips; but if you call for "John Smith's Golden Drips" and you like them you don't care if it is all glucose.

I think there is a very distinct line that can be drawn right there. There is no possible chance for misconception; no excuse for a mistake. I believe in the use of the formula. In our state an extract, if it comes up to the standard of the pharmacopœia, they can label it "Extract of Vanilla," "Extract of Lemon," etc., and it is not necessary to put anything else on the label; but the very minute they get away from the pharmacopœia standard, if they want to comply with the Ohio law, they have to publish a formula, giving each and every ingredient therein contained. I think that is safe ground and we can all stand on that proposition.

Now in regard to rulings, so called. I want

to indorse emphatically everything Mr. Grosvenor said. I hope the day will come when, by some means, all the state dairy and food departments can get together and secure uniform rulings. It is a terrible injustice, hardship and imposition to require men doing an interstate business to keep a half dozen different brands of the same article for half a dozen different states; and if by mistake a package intended for Kentucky is shipped into Ohio, the manufacturer is prosecuted, his trade is injured, his business damaged and he is put to expense to defend himself. It seems to me that is perpetrating an imposition which, as the laws are now stated, we cannot avoid without letting down the gates to fraud.

Now a few words as to a national pure food law, Mr. President. I went into the fight for national legislation with as much enthusiasm and worked perhaps as long as anybody and as hard as anybody while I did work. I was two or three times made president and still hold the honor of the office in the National Pure Food and Drug Congress. We had a meeting in Washington and we thought we were just going to get national legislation right away; but after the meeting had adjourned and I called on the various members of Congress and would say to them, "What is the prospect for the passage of a national pure food law?" they simply laughed and would say, "None at all."

Now, gentlemen, there is only one way you will ever get national legislation on this subject, and that is you have got to create a demand for it from the people themselves. In talking with one Congressman from Ohio he said: "You ask me to support this bill and I say I will; I am in sympathy with that movement; but what influence does that have with the California, New York or Louisiana Congressman? None at all."

Now just as soon as you can get enough influence to bear upon the members of Congress, just that soon you will get your pure food law, because the members of Congress want to do exactly what their constituents ask of them. The reason you don't get it is that there is a great deal of opposition from what is called the vested interests; and for a second thing, over 90 per cent of the members have never been asked to support a measure of this kind, at least not by any one in whom they had a personal interest. A circular letter from a distance does not influence them, and very often they don't even see it. There is only one way to get a law, and that is to get a fair, just and reasonable and a conservative measure, and then agitate, agitate, agitate.

MR. BAILEY: On the same lines, then, that the oleomargarine bill was passed?

MR. BLACKBURN: Yes; just on the same

line. He said at the time that bill was an infamous measure, but it would pass.

PRESIDENT JONES: The next assigned to this subject for discussion is Hon. R. O. Eaton, Deputy Commissioner of Connecticut. Mr. Eaton has been detained, so that he did not get to come. I understand that he has sent no paper. That is right, is it not, Mr. Allen?

MR. ALLEN: I have received no paper.

PRESIDENT JONES: Now the matter is left open for any remarks that any member of the Association may wish to make.

MR. ALLEN: I consider this question of labeling, in our work, the greatest work we have. I suppose on every Commissioner's desk every morning there are queries from the East and the West, the North and the South, asking how they shall label some particular article or articles of food in your state, against which you are bringing prosecutions.

Now, in the first place, concerning a national law, in our state the grocers are waking up, and during the last session of Congress they did write to the Congressmen and Senators concerning its passage. I found this argument good: When you tell them this national law will relieve them to some extent of the responsibility for the canned and bottled goods on their shelves I find they will support strongly the idea of a pure food law, and they will begin working and writing for it because it will relieve them of responsibility.

I do not believe that our co-operation depends so much on a national law as it does upon uniformity in the state laws. Uniformity in the state laws is a possibility, but not an immediate probability. It will have to come out of the influence of our meetings here together year after year, and bringing out in our talks recognized principles which we can depend upon. We could not put a unified state law in practice because in each section you will find that the law is made to protect the dairy interests, in another it is aimed almost entirely against the fraud in vinegar, in other places against other things, and in Kentucky, for example, you will find a general food law.

Now, as I say, it is not practical to have a unified state law, but I do believe that it is practical to have a consensus of opinion from the Commissioners; I mean a recognized agreement as to how we shall interpret and enforce these different laws. If we could bring this unifying effect about it would save us much trouble. When Commissioner Blackburn in Ohio wages a war against coffee, or rather against adulterated coffee, the manufacturers all over this country know that the action, if it is a just one, is going to be supported by the people of Kentucky, by the people of Ohio, by the people of Connecticut and by the people of

Illinois; and when he does the work there on coffee he will have done it for everybody else; and when we wage a war on something else in our own state we will be at the same time assisting Mr. Blackburn.

And it is the same with this having to label in so many different ways, the manufacturer points to the injustice of it; but they have generally to label adulterated goods and goods that are put up to imitate some superior food or compounded of cheaper materials. In my work I do not consider that quite so much a burden, perhaps, as others do. In fact, I have found such manufacturers in Kentucky grossly negligent, unfair and careless in the labels they are putting on their goods. They are not supporting the law in that regard as they should do. They put little technical labels on them that in language, in lettering and everything else are misleading. They will comply with the law, perhaps, but they are misleading and do not come up to that standard of the openness that the law requires.

Now, I don't believe the manufacturers of the standard products are doing this so much as others. This is a question that the manufacturers could take up among themselves and they could bring us more in touch with them if they would adopt a more honest system of labeling. This has as much to do with it as the different ways in which the different commissioners pass on the labels. Now take some particular compound, perhaps it has not been brought to Mr. Blackburn's attention so much and he has not passed on it and somebody else has; perhaps when he comes to pass upon it he passes upon it in a different way. But if the manufacturers would get together and agree upon the labels themselves, I believe whatever they agreed upon, if they put it upon an honest, open and fair plane, would be accepted by the food commissioners; and I believe that would greatly facilitate this work.

I should like to see this unification of the state food laws come about; but it is a long road. It will only come after many meetings, after various talks.

I heartily endorse Mr. Grosvenor's suggestion as to appointing a committee to look into this because we could then be a unit in our work, and if all the states could be a unit in their work throughout the year it would strengthen us very much and save many of us doing what somebody else has done.

MR. McDONALD: It is hardly necessary for me to state what I intended to when I arose for the facts have been brought out.

I listened to the address or discussion of Mr. Grosvenor and was much pleased with it. I believe a national law should be as simple as possible and have as few sections as possible,

provided the entire ground is covered. I am not sure that the sections which Mr. Grosvenor has named would cover the entire ground.

I also liked the suggestion of Mr. Blackburn that there should be a division as between proprietary and other foods. But I am still of the opinion I was when I gave my short discussion the other evening—that all that is necessary on a package is to tell the truth, and to divide food into simple and compound; into pure and mixed. The percentage of the ingredients I hardly consider necessary. If a person wishes to buy a pure article he certainly can do it under that law; and if he wishes a compound he can buy that.

The reason I liked the suggestion of Mr. Grosvenor is on account of its simplicity; and a committee such as he suggests would go into the matter thoroughly and would have a good effect on having a national law passed.

DR. EATON: I have another remedy for the improper labeling of food products than given by either Commissioner Blackburn or Ex-Commissioner Grosvenor, and that is the specific labeling of food products. There is some objection to stating the ingredients that compose a proprietary article, there is some injustice to the manufacturers, as has been said. Mr. Grosvenor, I believe, stated that the ingredients should be given on the label of proprietary articles.

MR. BLACKBURN: There is no intention to put the ingredients on proprietary articles; that line was drawn very distinctly.

DR. EATON: But, Mr. Grosvenor—

MR. GROSVENOR: With the speaker's permission I would just like to state that I entirely agree with everything Mr. Blackburn has said upon adulterations. When a man puts an adulterated article on the market make him put on the ingredients and the percentage to show how deeply it is adulterated.

DR. EATON: That is the idea I wished to bring out.

MR. BLACKBURN: If I did not make myself clear I wish now to say that the idea I meant to bring out was this, that if a man starts to adulterate he ought to state how much.

DR. EATON: In putting an extract on the market if it follows the standard of the food pharmacopoeia, I believe you have said that it can go on the market as, for instance, vanilla extract; but if it does not conform to the pharmacopoeia, for instance, if it is made in part from the tonka bean, it can still be sold as extract of vanilla, but somewhere down below you will put on the label the percentage of tonka present.

There ought to be but one product known as vanilla; one product known as jelly; one product known as honey. In the case of honey

that food is made by the bees, and they are entitled to that name; and in the case of butter the dairy people are entitled to the name of butter and manufacturers of an imitation article ought not be allowed to sell it as butter by stating on a label that it is, perhaps fifty per cent beef fat or lard.

I believe in a specific name for every food product that is placed on the market.

PRESIDENT JONES: Now, I had my attention called to it by our worthy secretary, and he is long-suffering—he has just called my attention to the fact that he wants the commissioners of the respective states to hand him, as soon as possible, the names of the official staff of their departments. This is a very easy matter if each state will do this, and it will help the secretary very much. I know you want to be recorded right, and if you go away from here without giving us these names and we get the name John where it should be James, or something of that kind, don't blame anybody else, as we have a good secretary here who will see that these lists are taken care of. So please send up the names of your official staff this afternoon so that the secretary will have it.

If there are no objections I will read a list of the committees. I am willing to make any changes now that you may suggest as I did not get to see all the parties. I intended to speak to the parties to be appointed here, but I have been very busy and we did not all get in here in time. I have not got the list on standards. All the chemists are on that committee, as I understand it, I think. Mr. Allen has prepared it.

NOTE—See Page 13 of this Report for this list of committees.

MR. GROSVENOR: Am I to understand that the discussion on the question of labels, etc., is closed.

PRESIDENT JONES: Unless there is some one who has something further to say, it is.

MR. HAMILTON: Mr. President, I see that I am chairman of the Resolutions Committee. May I ask if any resolutions are in the hands of the secretary?

MR. ALLEN: There are none.

MR. HAMILTON: What is to be the method of procedure in regard to resolutions? Are those to go to the committee or how are we to proceed?

PRESIDENT JONES: I know one thing you won't have to wrestle with and that is the Grout Bill.

MR. DOOLITTLE: I will ask you if there was a committee appointed to confer with the Association of Official Agricultural Chemists. There was such a committee last year, and Dr. Eaton was to have the report. There has been

no report made and I do not know whether Dr. Eaton has it now. But I suggest that the members appointed on that committee again this year. All you who have had experience along this line realize that this work cannot be done in one year. It takes a long series of experiments to establish standards and methods of analyses and get any results. The Association of Official Agricultural Chemists has undertaken this work along this line and I think we ought to keep in close touch with them.

MR. BLACKBURN: What do you think of that, Mr. Chairman? I would like to have the chairman's opinion on that question.

MR. DOOLITTLE: I think we ought to have that committee continued, Mr. Chairman.

PRESIDENT JONES: Are they not ready to report?

MR. DOOLITTLE: Dr. Eaton has his report, I believe. Now, I say, they are doing work along that line. The chairman of the Committee on Food Standards is Prof. Freer of Pennsylvania, and they are doing considerable work, and we should keep in close touch with them, and it gives us a sort of prestige with them down there to have that committee. Mr. Hamilton knows all about that, for he was down with us last year and assisted us considerably.

PRESIDENT JONES: I used to belong to the Farmers' Mutual Benefit Association, and I was on two or three different very important committees, and when we would report we would report progress; that we were getting along well on this or that line. Now I should like to have this committee report at least if they are making progress. They don't seem to be doing anything.

DR. EATON: Mr. President, I felt that there was more than one committee and have been waiting to hear you call for the report of this committee.

PRESIDENT JONES: Well, it is left to the association now to say.

MR. HAMILTON: Mr. Chairman, I am not a member of this committee that was to confer with the National Association of Official Agricultural Chemists, but I know that some of the gentlemen appointed by the Association of Dairy and Food Commissioners were there and were in a position to be of great service to us. I know that some matters of great interest to us were brought before the proper committee of this association, and that they adopted some of the suggestions that were made by our committee, and when their report is made, you will find that some of the rulings, that have been agreed upon by this body, have been accepted by the section that has charge of this particular matter of food adulteration.

Dr. Frear would have been here had it been

possible, but he has some very important duties in connection with his work at the State College, that prevented his coming. I regret exceedingly that he could not come, but it is a long distance and, for a busy man, it takes a great deal of time, and he is as busy a man as there is anywhere.

I know work has been done in this line and if Dr. Frear had been here a report would have been made.

This section of the Association of Official Agricultural Chemists in the United States have appointed referees upon the various items of food products. These referees are expected to confer with the manufacturers and producers of particular varieties of food, the investigation of which has been committed to them, to get the manufacturers' side, and all sides of the question; and they are proceeding with extreme caution so as not to do injustice to any interest; and when their decisions appear, they will be in the form of announcements, and not as rulings, giving the best judgment of that body upon that particular question.

I know that this committee has been doing good work; that a number of the members were there; and I believe the committee should be continued.

I move that the committee be continued.

MR. DOOLITTLE: I second the motion.

Motion voted on and carried.

MR. GROSVENOR: It is quite evident, I guess, that the discussion of the question of labeling is at an end. I therefore rise to move, as indicated in my talk. Before doing it I wish to impress upon the gentlemen the amount of work to be done, connected with it. I think the gentlemen who form this committee to frame the best possible law should frame the bill and then communicate with the different members, and every single member, and every member should sit down and write at length his views of the law. The whole question is full of obstacles and may be fitly illustrated by a story related by Senator Bailey who, I believe, is now story teller of Congress. When driving through Texas one day he came across a little boy driving a pair of goats and a little wagon with a barrel of water on it. He said to the boy: "Where did you get those goats?" The boy told him and he said: "What will you take for the goats?" "The boy said: 'I will take two dollars for them.' 'Why,' Senator Bailey said to the boy, 'they are worth more than that.' He said: 'If Bryan is elected this fall they would be worth thirty dollars.' 'Yes,' the boy said, 'and if I had this barrel of water in hell I could get a dollar a drop for it.'"

I am sorry that Mr. Allen was not in Milwaukee at our meeting there. We demonstrated there that it was not a possibility that we

should agree on the rulings. How could Mr. Blackburn of Ohio agree to agree with you on ruling a certain product a compound when the law says he must have a formula? How can Michigan agree on the jelly proposition when there is a specific jelly act in Michigan?

MR. DOOLITTLE: On his first statement he said that all the different states could agree on the general proposition of the law, excepting the one on mixtures and compounds. Supposing now that they would agree on that exception in the law, then could all these rulings be enforced?

MR. GROSVENOR: Yes; if the proviso in all your laws was the same. But so long as the provisos demand different things no food commissioner will take the authority and responsibility of ruling and construing the law directly opposed to its language.

MR. ALLEN: In suggesting a uniformity of labels it is only along certain lines that we can agree. Where the laws come together we can have uniformity of labels. It seems, from the discussion we had this morning in regard to those questions that do not depend on the laws but depend on the commissioners, that it was the consensus of those views that this uniformity would relieve the manufacturers of much trouble and responsibility.

MR. GROSVENOR: That field is so very closely allied to specific products and you all agree now on specific products. Now in South Carolina they have a law almost identical with your own that you could agree; Wisconsin and Illinois could agree very nicely; but it would only be in groups.

I think the suggestion of the gentleman from Illinois (Dr. Eaton) of a specific law (and I doubt very much whether it would be much more trouble to draw one as mentioned) is worthy of consideration. Specific laws for each product and providing for specific labels are in effect in continental countries and, as far as we are advised, are working very nicely. It would not take this committee more than thirty days, perhaps, to draw up a specific law mentioning every specific food product.

MR. President, I move that the chair appoint a committee of three to draft a law which in their judgment shall be as near an ideal one as possible; that this committee be authorized and instructed to correspond with all the members of this association (or perhaps I had better say with all the different departments of this association); that their expenses for this correspondence be paid from the funds of this association, and that this committee take up the work as soon as possible, intending to report at length at the next annual meeting; and that in the program of the next annual meeting one-

half day be set aside for the consideration of their report.

MR. ALLEN: I second the motion.

MR. HAMILTON: I desire to say, Mr. President, that the Committee on Resolutions should handle that.

I hardly feel prepared to discuss this question that is before us, excepting just this far: My experience, in dealing with this kind of thing, is that the practical method is for somebody, some one member, to prepare a bill such as he thinks will meet the requirements of the situation, and then let that bill be submitted to all who are interested for criticism, suggestion and improvement; that there shall then be a committee appointed who will take up these suggestions, criticisms and improvements, or take so many of them as seem to be wise, revise the bill in accordance with these suggestions, and re-submit the revised bill to all parties who are interested for suggestion, criticism and improvement. When their replies are received, let them again revise the bill, until there shall seem to have been gathered all of the suggestions that any member has to make; and then prepare a bill and submit that bill to the body for criticism at its annual meeting. This will save discussion when we come together in annual session only a few minor points, perhaps, will be necessary to be considered. The general opinion of all the members and experts connected with this association, will have been considered and incorporated. I think there ought to be included in this list of persons, to whom these copies of the bill are to be submitted, all the attorneys of all the organizations in the several states, as well as the chemists, the food commissioners and experts. Perhaps copies of the bill should also be sent to physiologists of recognized standing in the United States, and to the manufacturers of food products in the United States; and all of those people invited to attend and meet with us, so that we can agree upon a bill that, when it comes into Congress, shall have the unqualified and united support of the dairy and food commissioners of the United States and of the manufacturers. Then we will pass a law; then we will get rid of the objections that have been offered. I don't care whose bill is taken; anything that makes a start; or you can have a committee of three to simply formulate a bill and bring it here for consideration; we will have a discussion and then it will be formulated again and there will be another discussion. Perhaps we could be ready by the next session of Congress to have a bill formulated that will be satisfactory by this method.

My suggestion is that the method which I have outlined, be pursued in this matter.

MR. ALLEN: If I understood Mr. Grosvenor's idea it was that the food commissioners draft a model bill and there was to be some preliminary work to getting this before the public. It was a committee to get this before the public that he wanted appointed, and, as I understood it, it was not so much a national law as a model law which the commissioners of the different states can adopt or dispense with as they see fit.

MR. GROSVENOR: Let us get up a law which is the result of the best thought of the men interested in this work. It does not make any difference whether it is a national law or not. You can take a national law, cut out the regulations concerning police powers and you have a state law; the provisions may be absolutely the same. Let us get a law that will be the result of the best thought, work and energy of the men most closely in touch with the propositions involved; then do what you please with it. If, a year from now, this association can say, we have a law on which we are united, then if they wish to introduce that law into Congress all right; if you wish to introduce it as a state law you can do that. Let us see if this association cannot get up a bill which will command its solid support. If it can, in my judgment, that will be a very strong argument in favor of either a state or national law.

PRESIDENT JONES: Are you ready to vote upon this question? Now let me understand; there is a committee appointed in regard to the bill introduced by Mr. Hamilton; it goes to the Committee on Resolutions, am I not right; and this is to go to a separate committee, as I understand it, Mr. Grosvenor?

MR. ALLEN: Mr. President, I move that be amended to be referred to the Committee on Resolutions. I know it will be a great work which some one will have to volunteer to do. Let them attend to that and appoint some committee that will take up that work; that is, this committee you are talking about appointing, and let the work be referred to the Committee on Legislation.

MR. GROSVENOR: Before it is amended or seconded, I am very glad to be able to say that I did not know who the Committee on Legislation is.

PRESIDENT JONES: Mr. Secretary, you may read the names of that committee.

MR. GROSVENOR: I beg your pardon, I would rather not know them just now. It may be just the right committee. My object in asking to have a special committee appointed was that I believed that the chair would pick out three men, active members of the association, who would be best fitted to do this work. If they are members of the Legislative Committee and could be made separate committee, I

am in favor of that. We want a committee who will do the work.

MR. ALLEN: Let my motion go.

PRESIDENT JONES: You have heard the motion made by Mr. Grosvenor, are you ready for the question?

Motion carried.

PRESIDENT JONES: Now I understand that this is to be referred to a committee of three to be appointed by the chair. I will appoint on that committee Mr. Grosvenor, Mr.——

MR. GROSVENOR: If you please, I don't think that is fair. I am not an active member of this association and I am sure to be misunderstood in the matter. I am willing to take my coat off and work day and night, but I would rather not be appointed on the committee.

PRESIDENT JONES: I will appoint Mr. Hamilton, Mr. Blackburn, and——

MR. BLACKBURN: I think the president of this association ought to be a member of that committee. I move that Mr. Jones be made a member of this committee; he has had experience with the Warner Bill and I think would make a good member of this committee.

Motion seconded and carried.

PRESIDENT JONES: What is the further pleasure of the Convention? Are there any further matters that we ought to take up before the next recess.

MR. ALLEN: I move we adjourn until three o'clock p. m.

MR. McDONALD: I second the motion.

AFTERNOON SESSION, THURSDAY, JULY 10, 1902.

Meeting called to order by the President.

PRESIDENT JONES: It has just been announced that the state food commissioner of Oregon has gone ahead, won his case and got judgment for seventy-five dollars and costs.

Applause.

If there is no other matter to come before the Convention at this time we will proceed with the program. I believe there is but one more topic.

MR. HAMILTON: Just before we begin with that, the Committee on Resolutions would like to announce that they will hold a meeting on the boat as we go to Astoria, and any persons who have any business with this committee, will kindly hand me their names, and we will see that they are notified at the time the committee meets. It is impossible to fix a time at this date, but if they will give me their names I will see that they are notified at the time the committee meets.

MR. SHERWOOD: I would like to ask if this meeting will be held open for the next two or three days, or will the adjournment be final to-

night? If this committee is to report it seems to me it is necessary that the session should be held open and that the final adjournment should not take place until Saturday night, or later.

PRESIDENT JONES: What do you think about that, Mr. Hamilton?

MR. HAMILTON: It seems to me that will be necessary, if the committee is to make a report, and if the gentlemen desire to appear before the committee.

MR. MONSON: There have been several ask me in regard to voting, or who is entitled to votes in this convention; whether there are two in each state, or whether some of the states have more, and for my own satisfaction I should like to know. Several have asked me if I knew and I had to confess I did not; and if there is anything in the constitution or by-laws concerning that I should like to know how you arrange about it. I understand there are several invited guests here, and I understand all ex-commissioners have the privilege of the floor, addressing the Convention and making motions, but I am not clear on the question of their voting, and how you arrange that for the different states, whether all come in equally on that question or whether some have more than others.

PRESIDENT JONES: I will say for the benefit of Mr. Monson and the members present that I have never had the pleasure of seeing the constitution and by-laws. I understand that in the archives somewhere secreted there is such a thing. I understand that at the first meeting they did pass something of the kind. But I have never seen them. It is a kind of tradition now. Last year at our meeting in Buffalo, in the absence of any constitution and by-laws, Mr. Grosvenor of Michigan stated that he thought he had a copy; so we passed it over until this time.

As I recollect it, a resolution was passed at that meeting that the commissioner, assistant commissioner and chemists of each state if they had these officers, or any other representatives similar to them, should have a vote. If I am not right the gentlemen will correct me. Do you remember, Mr. Hamilton, how it was?

MR. HAMILTON: I do not.

MR. GROSVENOR: When the association was organized at Detroit, as I look around I see but two other gentlemen present who were there at that time—Mr. Blackburn and Mr. Doolittle; perhaps there are some others that I do not recall. We spent three days and three nights in getting up a constitution and by-laws. As secretary I, of course, had charge of it, and when Mr. Noble was elected secretary I turned it over to him; and at the Buffalo meeting he admitted, as I remember, that it had been lost or

misplaced. I searched for my copy, but was unable to find it until just a day or so before I left for Portland, and when I did find the copy I laid it away so carefully it did not get into my satchel; I could not find it so it is not here. I will look for it immediately on reaching Detroit.

But I recollect distinctly this question of voting, and I ask Mr. Blackburn and Mr. Doolittle to bear me out if I am not correct; I think I am. It provides but one method of taking a vote and that is by states, and each state is entitled to three votes, regardless of its representation in the convention. If a state is represented by three men, each votes; if it is represented by but one man, that one man has three votes. That is the only method of voting provided for in the constitution and by-laws.

MR. HAMILTON: How do we vote now?

MR. GROSVENOR: By ballot.

MR. BLACKBURN: That is exactly as I recollect it; and the reason is that we had to adopt some such resolution for at our meeting in Detroit, Mich., had so many members there that we had to do it to shut them off. Every state represented was to have three votes, and no state should have more than three votes and any representative present could cast the entire vote of the state. If there was more than one representative there or if there was but one, they could cast the number of votes to which the state was entitled, and that is three votes. That is it exactly.

MR. GROSVENOR: The secretary is to call the roll of states (not individually) and some one announces the vote of that state.

PRESIDENT JONES: Is that satisfactory, Mr. Monson?

MR. MONSON: Yes, that is quite satisfactory.

PRESIDENT JONES: Is there any further business before taking up the remaining topic?

MR. STOLL: As I understand it there is only one copy of the constitution and by-laws of this association in existence; would it not be well for this association to order the secretary to have copies printed of the charter or constitution of this association and have them distributed among the members?

PRESIDENT JONES: I think that should be done and also that it should be embodied in our next annual report.

MR. BLACKBURN: I have promised to furnish a copy to the compiler, who asked for it about a week ago, since we left Chicago. He said he wanted to incorporate it in the next report if he compiled it, so that everybody can have a copy for reference whenever they want it. I have one copy at home and have promised to furnish it to the compiler, so if Mr. Grosvenor has a copy we have two.

MR. STOLL: Let me say further that this constitution as originally drafted has been amended at several conventions, as I understand it. Would it not be well to furnish the compiler with a copy of such amendments as have been passed on it, so that the constitution, with all the amendments that have been passed on it, can be published in the annual report?

PRESIDENT JONES: If there have been any amendments passed they should. I don't know that we made an amendment at our last meeting in Buffalo. Since Mr. Grosvenor has made his statement, I am not sure but the vote was taken from the statement made there; I won't be positive; since they have made the statement I am not sure but what we took the vote there on that basis.

Now these gentlemen say there is at least one copy in existence; it is not like the common law of England; it is not made by usage and tradition or any worn out statute of any kind; and I understand that Mr. Grosvenor and Mr. Blackburn, between them will furnish our secretary or the compiler a copy; so I presume at our next meeting we will have no trouble in getting the matter settled.

We have had a good deal of trouble (this association has) in regard to standards and a good many other things that have come up in the way of regulating the food products, and it was thought best by the Executive Committee to assign some one to the topic of A UNITED STATES FOOD PHARMACOPOEIA, and that was assigned to Dr. Eaton of Illinois.

Ladies and gentlemen, you will now hear Dr. Eaton upon this topic.

Dr. Eaton: Mr. President, Members of the Convention, Ladies and Gentlemen: I will preface my paper by stating that the question of establishing standards has been one of the greatest stumbling blocks in the way of securing state and national legislation. In the various legislation that has been proposed for a national food law there have been three methods proposed for establishing standards for food products:

First—That the standard be established by the national chemist, Dr. Wiley, at present.

Second—That the standard be established by the Association of Official Agricultural Chemists.

Third—That a committee of experts (to be composed of five members, I believe) be formed to create the different standards.

This paper will suggest another way, and I hope the discussion will suggest still another way of fixing standards.

A UNITED STATES FOOD PHARMACOPOEIA.

The use of the term "Food Pharmacopoeia" is an intentional misnomer. The word "pharmacopoeia" is derived from "pharmakon," Greek for "drug" and "poein" to make, meaning literally to

make drugs. The word as used has far outgrown its original meaning and now the accepted definition is a work treating on the nomenclature, compounding and methods of manufacture or preparation of drugs or articles used in medicine, including also tests for purity, strength and value, assay processes, formulas, standards, weights and measures and in the forthcoming book, dosage. The most prominent idea connected with the word and work is that it is the accepted standard, the unquestioned authority, on the subject of which it treats in the trade which it governs. The best feature of the work is that it exerts a voluntary willing obedience based on principles of equity between man and man rather than enforced by the strong arm of the law. There is no other authority in any line of trade that occupies the same position in the trade as the pharmacopoeia to the druggist.

As the work of which we speak is intended to occupy the same relation to the grocer as the pharmacopoeia to the druggist, I propose to use the word food pharmacopoeia until a more appropriate word be coined.

There has long been a demand for a standard food authority. Grocers have needed it in stocking their stores, manufacturing chemists have desired it in making trade preparations, lawmakers could have employed it to great advantage in formulating state legislation. Food commissioners, more than all others, have felt the necessity of such a standard in enforcing food laws and protecting the public from low grade, fraudulent and misrepresented goods.

It may be said that there is at present no work either in the English or any other language which even remotely occupies the position sought for the food pharmacopoeia, either in subject matter or authority. There is not even in the English language a natural classification of foods, and the nearest approach to a classification is one based on chemical composition or nutritive properties, as in the three great subdivisions, carbohydrates, proteids and fats intended for aid in dietary studies.

Outside of scattered articles in technical hand books, there is no complete description of foods corresponding to the U. S. Dispensatory. Mention should perhaps be made of certain market books, Koenig's, *De Nahrungsmittler*, The Proceedings of the Association of Official Agricultural Chemists and the Austrian Codex, which cover in their different fields much of the material to be incorporated in a food pharmacopoeia. The periodical reports of the several State Dairy and Food Commissions also contain many articles germane to the subject, some of which might almost be incorporated without change into the food pharmacopoeia. The pharmacopoeia itself includes many articles used far more commonly

as food than medicine, such as liquors, edible and essential oils, spices, flavoring extracts, cream of tartar, etc.

A food pharmacopoeia in my opinion should contain

1st. A classification and description of the various animal, vegetable and mineral substances used for food or in the preparation of food.

2d. Definitions and nomenclature.

3d. Standards of quality.

Whether one or more standards of quality should be defined and adopted to be sold under different names or graded as "common," "standard" and "extra" is a matter which might be left largely to trade interests.

4th. Methods of manufacture and preparation for market, with regulations as to ingredients used.

5th. Methods of analysis.

Under this heading should be given common or preliminary tests for purity and the more complete methods followed by the chemist. Alternate methods should also be described or referred to whenever possible.

6th. Range of chemical constants.

7th. Chemical data usually sufficient to prove purity or character and amount of adulteration as case may be.

As to manner of compilation, the food pharmacopoeia should be so prepared as to make it as authoritative with the trade and as influential in court as possible with a book not backed by statute. It should be the product of the recognized experts of the country; it should be a representative book, every class of tradesmen and every professional organization guided in any manner by its provisions having a chance to be heard and an opportunity to vote on the regulations therein. It should bear at least a quasi governmental appearance. To this end representatives of the government should be called in council. Heads of the various bureaus of the Department of Agriculture and of certain divisions in the bureaus, chemists and physicians employed in the Navy, War, Treasury and Internal Revenue Departments might well be given ex officio representation. Arrangements should be made whereby the large purchases of food stuffs for the Army and Navy would be bought according to specifications of the food pharmacopoeia.

The food pharmacopoeia should have the endorsement of every state organization appointed or elected to guard the health of the people or to prevent fraud and deception in the sale of food products. State food commissioners with their assistants and members of state boards of health should therefore especially interest themselves in its preparation.

Finally, commercial and manufacturing chem-

ists should not be overlooked in selecting talent for the compilation of the book.

All of these representatives, except those of the national government, may be selected through their special organizations, and an equitable ratio of representation given each interest. This representative body should act on general principles only, leaving matters of detail to sub-committees.

The work should be self-perpetuating and elastic; it should keep pace with the knowledge of the times and meet new conditions as they arise. A revision once in five years would not be too frequent and the committee of revision should have power to issue yearly supplements. The plan of organization of the pharmacopoeia was good in that it was successful, and a brief consideration of its compilation and development may be profitable.

During the last century many medical men wrote private books treating on the preparation of drugs. A little later, the free cities of Europe, including Berlin, Paris, London, Edinburg and Nuremburg, published pharmacopoeias. In the early century several books of like nature were published in this country. The Massachusetts Medical Society published a pharmacopoeia in 1808, and in 1820, owing to the work of Lyman G. Spaulding, a convention was called in Washington, D. C., to create the United States Pharmacopoeia. Most of the representatives were from medical societies, but two pharmaceutical societies being represented. At this meeting provision was made to revise the work every decade. The first few editions of the pharmacopoeia were printed in Latin with an English translation upon the opposite page. A committee of revision consisting of fifteen members was appointed and authorized to carry out the detail work under the general instructions of the convention. This committee was in 1880 enlarged to twenty-five members. As at present constituted, the United States Pharmacopoeial convention is an incorporated body, articles of incorporation having been drawn up and signed in 1890. The officers consist of a president, five vice-presidents, secretary and assistant secretary and treasurer, also a board of trustees consisting of five members, together with the president of the convention and the chairman of the committee of revision. The board of trustees transact all the business of the convention, contract for the publication of the Pharmacopoeia and on the sale thereof realize enough to pay for research work and compensate in part the labor of the officers and members of committees. Of course much time, labor and expense has been gratuitously given to the convention and the Pharmacopoeia.

This, then, is a model for the Food Pharmacopoeia. The time is ripe for such a standard authority. Surely no organization is better quali-

fied in interest in the subject, in breadth of representation, in standing with the people, in lack of bias or incentive to favoritism, in wide geographical representation, in semi-official character, no association, I would repeat, is better qualified to call a national food pharmacopoeial convention and issue credentials for representation than the National Association of State Food Commissioners.

MR. JONES: The discussion of Dr. Eaton's paper will be led by R. E. Doolittle, State Chemist of Michigan.

Mr. Doolittle: Mr. President and Gentlemen of the convention: This is an entirely new line of thought for me. I did not know I was on for a discussion of such a paper.

Dr. Eaton's paper sounded very nice. This question of standards is the important question that is staring food chemists in the face all the time. We cannot get away from it as long as we are connected with food laws. Whether this method is a better, or the best one that can be planned is an unsettled question. I don't think this convention wants to go into the publication business, or that kind of work, yet if we could have a book such as Dr. Eaton has described, giving the chemical constants of the various food products that are found commonly on the market, it would be of great benefit to the merchant that will take an interest in his work; though, as I understand it, the merchant usually buys his goods more from the manufacturer according to price than from the advantages it has in chemical properties.

The Association of Official Agricultural Chemists is doing this very line of work, and the Association has appointed two committees. One of these committees has charge of standards, and standards only. This committee is headed by Dr. Freer of Pennsylvania; and this committee on standards is given almost absolute power so far as the Association is concerned. I understand they were vested with power to arrange definitions, descriptions and standards for all food products, and their report was to be final. There was another committee appointed which is subdivided into twelve or fifteen different subdivisions or heads. This committee is to arrange methods of analysis for the different food products; that is, there is, for instance, a committee on spices, another on flavoring extracts, another on cocoa and chocolate and similar preparations, and another on tea and coffee etc. They made a partial report at the last meeting last November on some of the sub-divisions, and this report has been published in bulletin form and can be obtained by application to Dr. Freer of the Department of Agriculture, who was chairman of the Committee on Food Analyses. They are doing this work and they are doing it very thor-

oughly. The only trouble with the food commissioners themselves is this (I don't want to criticize) but they expect too much of the chemist. They want a standard on some spice, pepper for instance, and they expect that to-morrow we are going to tell them what it is. It takes time to work these things out.

I think this work has been placed in good hands and I believe that the final report will be perfectly satisfactory.

Now, as to the incorporation of that report, with the other data that could be secured from text books and the experience of members that might be appointed on such a board, I have no doubt that the result of the publication of such a book would be very valuable to people interested in this line of work.

I believe that is all I have to say, Mr. Chairman.

PRESIDENT JONES: The discussion of this paper will be followed by Dr. J. M. Nelson, State Chemist of Nebraska. I have the pleasure of introducing to you Mr. Nelson, who will now address you.

Mr. Nelson: Mr. Chairman, Ladies and Gentlemen: I don't feel that I can say very much in regard to this line of work, but I thought probably I could make some suggestions.

If the food commission chemists, or whoever has charge of this work, should be prepared to co-operate with the commission, or rather the Association of Official Agricultural Chemists in their work, probably something could be done. Probably the Association of Official Agricultural Chemists would have to do most, because they probably have more time.

A Food Pharmacopoeia is truly a very essential instrument, if I may so call it, in our work with food products. Because, as Dr. Eaton mentioned, it furnishes the food chemist an authority to back up his decisions or conclusions from the analysis he has made of the food articles, that the courts will recognize just as they recognize the drug pharmacopoeia at the present time in regard to articles whose descriptions it contains. Now I ask to be pardoned for making a suggestion in regard to the construction of this pharmacopoeia. That is to simplify this work as much as possible. Because we all see that the compilation of this work is an enormous task, and simplification as much as possible without impairing the value for which it is intended would be highly desirable. I think that the methods of analysis of the different food articles described therein could be omitted for this reason: The object in my mind of a food pharmacopoeia is not to show the chemist how to analyse an article of food, but to aid him and the commissioners in showing to the court that the article in question is or is not adulterated. For an example we have

an article of food. This article the pharmacopoeia states must have certain per cent of essentials constituents to be genuine or must not have certain constituents present. Now, the chemist goes to work and sees whether or not the article conforms to this description or not. If it does not he can pronounce it not genuine or adulterated right away by the authority of the food pharmacopoeia. If he cannot cite this authority he is compelled to state from his own judgment whether the article was adulterated or not, and this is weaker evidence in court. So I think that the object of this work should be to furnish an authority to back up our conclusions from analyses of food articles, not to teach the chemist how to prove that the article of food is or is not adulterated. Then another point that I think is in favor of my suggestion is this: If certain methods of analysis are put forth by the pharmacopoeia for each food article the chemist will be compelled to use their methods in his work. Because the court would very likely ask him if he employed the methods set down by the pharmacopoeia; if he did not it would very likely weaken the evidence, although circumstances might have been such that it would have been advisable to employ a method of analysis a little different from the one prescribed. Now these circumstances of not using the same method as prescribed might arise in this way. That new methods have been devised which are better, or time has not been sufficient to do a lot of work in the method which was really in this particular case not essential, or the mode of adulteration had been modified, and so on, or the laboratory been not sufficiently equipped. Therefore, in my opinion, a food pharmacopoeia should contain a classification and description of the various food products, definitions and nomenclature of them, the way they are prepared and their standards of quality, because, I think, these are the true essentials of the work.

PRESIDENT JONES: Now there is an opportunity for any one to discuss the papers or to ask any questions of any of these gentlemen.

DR. EATON: I would like to hear Prof. Shepard.

PRESIDENT JONES: Prof. Shepard, they want to know what you think about a food pharmacopoeia. Would you come right over here and take your stand?

PROF. SHEPARD: I have not anything to say.

MR. JONES: You look like you might be loaded down with knowledge.

Prof. Shepard: Appearances might be deceiving, Mr. President.

Ladies and Gentlemen: I have made no special preparation for a discussion of this paper, but the thoughts embodied in the papers and discussions already brought forward are good ones.

It does seem a little strange to me that we should have standards for medicines, standards for cattle foods, and we have standards governing the sale of fertilizers, standards for everything except human dietaries. It is like the case of the shoemaker's wife. She had to go barefooted. A man will look after everything else except himself, first.

Speaking from the standpoint of an agricultural chemist or a food chemist I can say that it is the one thing to be desired. Now, take the case of some flavoring extracts like vanilla, or extract of tonka, or lemon extract, which have been mentioned here so frequently, the question is whether it is a legal product or not. The truth of the matter is that when the chemist gets done with his work he does not know whether it is or whether it is not; and it is necessary to make some arbitrary estimation as to it. He might be able to tell whether there was a foreign substance in it; but that is another point. Now, you go and offer to sell a man a pound of fertilizer and the law of the states where fertilizer is sold compels you to furnish a certain amount of phosphate or nitrogen, or the man can be prosecuted. But you can go to a grocery store and buy various articles of food and there is no guarantee as to the nutritive value of the foods you buy, nothing stating the quality or how much of this or that or the other ingredient is contained in the food; there is nothing whereby the grocer might be guided in giving such a guarantee, or the manufacturer, so far as that is concerned.

There is no argument against a food pharmacopoeia. On the other hand, all the arguments are in favor of establishing a national standard.

The only difficulty it seems to me is the question of choosing the committee or persons who are to prepare these standards. Who shall do it? Who shall be selected? We have had several thoughts presented, and they are all good ones. No doubt the Association of Official Agricultural Chemists, of which I am a member, will do all they can. I heard one gentleman suggest to-day that they would be apt to work it out if left alone for the simple reason that they did not have so much to do. I can say in regard to that, that he spoke without knowledge. If there is one person to-day who is more busy, has more to do than anyone else, it is one of the agricultural chemists of the United States to-day. No one knows what comes to him. There is not a thing under the sun or on the face of the earth that does not find its way into the laboratory of the agricultural chemist. I submit to you, gentlemen, that he has a full grown man's work before him every day in the year; and there is another thing about it, too, that I presume sometimes occurs to these agricultural chemists and that is if they were dead and gone, having worn them-

selves out in the harness, there will be some work for the agricultural chemists that will come after them. It is going to be a continuous process.

I was rather taken with the suggestion given by Prof. Hamilton in his proposed national food law, where an expert committee was to be appointed. That, I think, will have to be amplified somewhat. Some of us no doubt are familiar with the way in which dictionaries are made. Specialists are called on for the meaning and application of each word; and the book instead of representing the labors of one man, or of any six or twelve men, represents the work of a whole army of qualified men. And it ought to be just this way with our food pharmacopoeia. It ought to be evolved in just the same way. The subject, I believe, ought to be divided up and in the case of flour, for instance, some one upon practical milling and book technology ought to be assigned to it; and the same is true of dairy products, perhaps one man on butter and another on cheese. And so we might go on through the whole category of human dietaries.

As to what should be introduced in the food pharmacopoeia, I believe Dr. Eaton has covered the ground pretty well. I should be heartily in favor of having it contain the properties of the chemical constants, the varieties of chemical composition and methods of analyses. I think all these ought to be included, and when the book is completed it ought to be one of the most valuable compilations of this new 20th Century. It ought to stand to food and food products just as some of our new dictionaries do to our English language, or as the pharmacopoeia does to drugs. And when food products are put out they ought to be put out with the same scientific exactness as the fluid extracts and tinctures and all the various pharmacopoeial preparations are placed in drug stores to-day.

It so happens that I am quite familiar with the methods followed by some of the great manufacturing drug houses. In fact, I happened to have been honored in assisting to educate one young man, in starting him on the way, who is chemist for one of the greatest manufacturing concerns in the United States to-day, over in Philadelphia. And in my many talks with him, I have learned many things about their methods. In buying opium do you suppose they buy it as we do, by the pound? No, they do not. That opium is a valuable product and they buy it just as the miner does his ore. That ore is not always gold ore and there are differences in gold ore, just as there are in opium. Cinchona bark is sold in the same way. All this is reduced to a scientific basis. When a fluid extract is made, it is assayed before placing it on the market with a guarantee that every cubic centimeter contains just so much of whatever principle is involved in that extract.

It is pitiable, and would be comical if it were not pitiable, that all of our food products are prepared in a hit or miss way. The only redeeming feature in the whole case is that a large number of these are prepared by nature herself, and we take them direct from nature's hand, or nearly so—our meat for instance. This is also partially true of our cereals.

Now, there is all this difficulty that we have in regard to our trouble with the manufacturers (I believe I heard some one say that the dairy and food commissioners do have trouble with the manufacturers occasionally).

Now, I believe this trouble sometimes comes from their attempts, as they say, to improve on nature and her methods. Of course that claim is taken *granos salus*, just as it should be. They sometimes say they are prepared just as they are for the purpose of making something for nothing.

The difficulty arises just here, there are no standards. Any man is at liberty to go and make any kind of a product he can and sell it on the market if he can. Foods such as breakfast foods and all of those are easily comparable with feed stuffs that are sold as cattle foods. Now, you go out and try to sell an enlightened farmer to-day feed stuff without a guarantee of the amount of protein there is in it and see what you can do. You could not sell it. A farmer will insist that his animals shall be fed on food which is up to the standard, but the same man that will demand a standard and an analysis for his cattle food, that same man will go to the store and buy stuff to feed himself and his children and won't know what is in them.

Now, then, right here is a new field for our activities.

MR. PATTERSON: Will you permit me to ask you a question, you being an expert in chemistry? Supposing a state, the state of South Dakota, for instance, was to submit to you all of the food products eaten by your people; would you be able now to ascertain, on making an analysis of the food products, would you be able to ascertain whether there was any foreign substance in flour, or anything in the line of food for human consumption?

PROF. SHEPARD: I don't think of any case where I could not. It might be possible.

MR. PATTERSON: Then why would it not be possible to have a standard of your own, established in your own respective states, as I understand it is adulteration we are figuring on?

PROF. SHEPARD: I would reply to the gentleman like this. I had thought of that aspect of it somewhat in the last day or two. Now take, for instance, the question of flour. Now, there is no question but what there is a differ-

ence in flour. You take the flour that is made from wheat raised here in Oregon (and I hope to be forgiven by the gentleman from Oregon for making the statement) and it is true that the flour made from wheat grown in Minnesota and South Dakota is much more nutritious than the soft wheat grown in Oregon, and that is known the world over; it is an accepted fact.

MR. BAILEY: I want to ask the gentleman if you ever had any Eastern Oregon wheat and compared it with your Dakota wheat?

PROF. SHEPARD: Just simply, I will state, for my analysis. That is all.

MR. BAILEY: There is a vast difference between the wheat raised in Eastern Oregon and that from the western portion of the state, and I understand that the wheat grown in Eastern Oregon is equal to any raised anywhere. Of course I have never analyzed it; but I understand it compares with any wheat raised anywhere in the United States.

PROF. SHEPARD: The statement I made in regard to the Oregon wheat is also true of the wheats grown further east. It is a well-known fact that there is only a very limited area in the United States where such wheat is grown; they are always lower in protein. This is a well recognized fact by millers, and all millers that are making the best of flour, that is, for filling the demands made by the most exacting customers. All of our western millers make it at point to take this softer wheat and grind with it some of the hard wheat grown in Minnesota and Dakota. There are often different grades; and that is just where this thing unrolls like a scroll, and where it is going to be difficult. While there are different grades of flour made from wheat grown in different localities I think there should be a standard. I am making an investigation now on wheat. We are growing at the South Dakota Experiment Station something like two hundred and fifty different varieties of wheat. We have obtained these wheats from all over the civilized world, even from Oregon. We have wheat from Russia, from Italy, from Africa—in fact, from the whole civilized world. There is no need to enumerate; I am speaking conservatively. We have found that these variations exist, and moreover we have found that even from year to year there are great variations. Last year, for instance, our wheat was much shrunken and I was amazed to find that the proportion of protein had raised from 14 or 16 per cent (the average is about 12 per cent) to the enormous figure of 24 per cent. Now, flour from that wheat from year to year would have a variation in nutritive value and its price should vary.

Consequently, I tell you it is going to be a

subject fraught with a great many difficulties indeed, and all these things will develop.

MRS. EDYTH TAZIER WETHERED: Pardon me, I know I am out of order, but I would like to state that I have just returned from two expositions where I have served my state as commissioner, and Eastern Oregon flour received the gold medal over every state in the Union.

MR. PATTERSON: I would like to ask the lady in that connection whether there was any wheat from Illinois there?

MRS. WETHERED: Yes; I believe there was.

PROF. SHEPARD: I should like also to ask the lady whether the medal was awarded on nutritive qualities of the flour made from the Oregon product, or on what basis the medals were awarded?

MRS. WETHERED: They were awarded on the general healthful condition of our flour and on nutritive qualities and on general conditions.

PROF. SHEPARD: I was wondering whether the people who had charge of these exhibits, the beautiful women and brave men, and their free and dashing spirit, had anything to do with it.

Applause.

They say that we agricultural chemists become skeptics and become hard-headed and that we prefer the testimony of our own re-agents to what anybody can say, or to any other testimony.

All systems proposed will need further explanation. There ought to be one thousand men working on the food pharmacopoeia. The list ought to be a long one and it ought to embrace the highest talent known, not only chemists, but there should be manufacturers and every class represented. And this, my friends, I believe, would tend to give a sort of authority to such a publication which would insure its publication and its acceptance by the American people in general.

MR. DOOLITTLE: Just a word. I think the remark made by Prof. Shepard showing the differences that exist, for instance, in wheat flour, shows the advantage of having a food pharmacopoeia, because in a food pharmacopoeia that could all be embraced in description, while the standards fixed by the association on food products, as wheat, would probably be one standard for all the different varieties and be made wide enough to cover all varieties.

PRESIDENT JONES: Are there any further remarks to be made upon this question?

MR. HAMILTON: It seems to me that in the formation of a standard, where natural food products are in question, about as far as it would be possible to go, will be to say, that the substance shall have been from the natural product, without adulteration. For instance,

Southern California will yield an entirely different wheat from Oregon and South Dakota a different wheat from both these other states, and Pennsylvania a wheat different from the three. But if there is no fraud practiced; if the article is genuine from its locality, then it seems to me that is all the public can require. Now that will mean, it appears to me, that we must simply say that the article shall be pure of its kind, and go no further.

MR. BLACKBURN: I should like to hear from another one of these over-worked, under-paid agricultural chemists. We have with us Prof. Fulmer and I should like to hear a few words from him.

PROF. FULMER: There was one question that was asked by a gentleman from Illinois a few moments ago. I am not quite sure whether he was serious or not in asking the question, but I wish to say a word concerning that point. This question was whether or not it would not be better for each state, or each chemist, to have its own standard for each individual product. That is the very point upon which I touched last night, and I would like to emphasize that still more to-day. That would be a most undesirable thing. If when a chemist had completed his analyses and had made his report the matter ended there, that, perhaps, would be well and good; but it never ends there. The chemist, under present conditions, must always be prepared to defend his own interpretation of his own results, and if he has only his own standard which he has evolved out of his own work, and he cannot cite any other, then he is not in a position to go into court and defend his own work. That would be a very undesirable feature; it would be impossible; as I said last night, science at the present time demands collective and corroborative testimony on every point. Every chemist who has been into court at all knows this is particularly true in court.

MR. PATTERSON: I believe you will recognize, from your own experience in court, that there is sometimes a new law made, and that law stands upon its own foundation, without any citations.

PROF. FULMER: Still, law, as a rule, has very little relation to the standard of the chemist.

MR. PATTERSON: But I am speaking of standards established by the individual states as, for instance, for flour, to ascertain whether or not there is any foreign substance in that flour, in that state. Why wouldn't that be satisfactory to the state or to the people of that particular state, to know what was the standard of flour for that state?

PROF. FULMER: Of course, if you refer to embodying the standard in the law itself, of course that is another question. That would

make it a very easy matter for the chemist. He would not care for anything any easier than that, because if the product did not agree with the law his work would be done.

A food pharmacopoeia, it seems to me, occupies a very unique position in the field of chemistry. We have a small army of men to-day engaged in iron and steel chemistry; they have given their lives to that work; they have problems of their own that are very important; but, after all, a man may be a very excellent iron and steel chemist and yet know comparatively very little about the general field of chemistry.

Now, these food commissioners (and we have a great deal of respect for them) sometimes get very erroneous ideas as to what should be expected of the chemist. It seems to me that we should have an official standard laid down and then the questions likely to arise between the commissioner and his chemist would never arise. Now, for example, the infallibility of a chemist and his science is an entirely different proposition from his reliability; and I think commissioners, judges, courts and juries ought to get that idea instilled into their minds very thoroughly, that there is a vast difference between infallibility and reliability and that man and his science may be strictly reliable and yet not infallible. I don't think that is as well understood as it ought to be. If we could have some standards such as have been mentioned, so that when an analysis is completed we could simply refer to that standard and say, here it is; it conforms with the standard or it does not conform with the standard and the problem would be greatly simplified. I think any man who has given the analysis of food products any thought at all will be very particular about the source of those standards to see that they are reliable. I do not care who compiles these standards if they are compiled by a man competent to do the work. That is all that is necessary. But let us get them in just as quickly as we can so that we can have something that we can rely upon and we will not be called upon to announce a verdict in a case where it is practically impossible to announce one. Take for instance, a familiar illustration, take mustard, which has been mentioned several times. A chemist makes an analysis of a sample of mustard and finds in it, say, 18 per cent of ether extract. Now the chemist knows perfectly well that mustard flour should contain a great deal more than that; yet the commissioner has made no ruling on the point and yet expects the chemist, in many cases, to say whether that sample of mustard is adulterated or not. What is he going to do? He would like to take a report showing the entire facts of the case. There it is. There are the facts staring him in

the face, but there is no standard. He can say to his commissioner that there has been considerable oil extracted from the sample of mustard, but shall he say it is adulterated on account of that? What are we to say?

So, I say, anything that can be done to hasten to bring about the establishment of standards for food products that the chemist can rely upon or can use in his work, the better it will be for all parties concerned. It is a pretty broad subject and touches a great many questions. It has been pretty thoroughly discussed.

A food pharmacopoeia is certainly a most excellent thing, but whether the time is ripe for an extensive one, such as Dr. Eaton has described, may be an open question; but certainly the time is ripe for the establishment of standards as that part of the work will enable us to have some light on this very perplexing problem.

PRESIDENT JONES: Are there any further remarks to be made upon this question of a food pharmacopoeia?

Mr. La Bach of Kentucky has been requested to speak.

MR. LA BACH: Excuse me; I did not hear the first part of the discussion, as I was unfortunate in finding the place and did not get here in time.

DR. EATON: Mr. President: There is just one word I might add in regard to the committee to establish standards. The committee of the Official Agricultural Chemists, and I appreciate the work of that committee as much as any one does, have commenced this work, but still the standards they establish would not have the weight and authority of standards we need. I think that body is the next best body to the association we have here to establish a set of standards, because it must be largely the work of chemists. But the Association of State Food Commissioners has within its body all the chemists of the Association of Official Agricultural Chemists who do active work on food substances; and that association also has with it a great many chemists who do not work on food products at all, but who spend their entire time on cattle foods, fertilizers and such products as that and yet they have a vote in saying what shall be a standard for certain foods, and that without any experience in this matter. Therefore, I think if a book of standards is to be prepared I believe this association would be a better one to do it than any other association. However, as stated in my paper, I think the proper body to do this work is a convention of all bodies interested at all in food products. Referring to the talk of Prof. Hamilton, I believe the standards should be broader than merely definitions of food, and standards to prevent adulteration. Now it is very little

trouble for a chemist to detect and report and testify on actual adulteration of food. It is the low grade and misrepresented and inferior goods that are the source of the most trouble. There is room for such standards as these on different food products so as to control the sale of inferior food products. Take flour, for instance. I believe the different varieties and grades of flour should be mentioned; and also what we term macaroni wheat, which should have a different composition from other wheat, and no wheat should be sold as macaroni wheat not having the composition to make the product for which it is intended.

MR. BLACKBURN: I want to say now that I feel considerable interest in this subject, but when this association is ready to adjourn I want to make a motion that we adjourn to meet tomorrow on board the steamer and take up one or two of these important questions and we can then discuss them further. My only object in making this suggestion at this time is so that we can proceed with the program and get through with what is necessary to do to-day and take up these other matters again tomorrow.

I think this question of a food pharmacopoeia is a very important one and should be further considered by this body. I think there are also one or two other questions that might have a little further consideration, and I think tomorrow would be a very good time to do it. But I suggest that we now go on with our program or we will not get through without a night session.

PRESIDENT JONES: That closes the program with the exception of the report of the Committee on Rulings, and the election of officers. The Committee on Rulings, I see from the program, is Blackburn, Hamilton and Adams. We will now hear their report.

MR. BLACKBURN: Mr. Chairman, I want to say on behalf of that committee that they have not been able to do anything on account of the rearranging of our program. As originally arranged, we had only one session per day; but because of matters beyond our control we have had three sessions yesterday and two to-day, and the indications are good for another either to-night or tomorrow; so that it has been utterly impossible for these committees to meet and have a moment's consideration of the questions which they were appointed to consider. For that reason the committee respectfully asks that the time be extended until tomorrow, so that if they have any report to make and if there is any question comes up requiring their attention in that capacity, they can do so at that time.

That is one of the things I had in mind

when I proposed that we have a session to-morrow.

PRESIDENT JONES: If there is no objection the time will be extended until to-morrow.

MR. BLACKBURN: I should like to say to anybody present, officially or otherwise, that if they have anything, any question they want brought before the association they might mention it to this committee and see if we cannot get some satisfactory solution of the question.

PRESIDENT JONES: I believe the next thing on the program is the report of the committees.

MR. ALLEN: First is the Executive Committee.

PRESIDENT JONES: Is the Executive Committee ready to report? You are the chairman, I believe, Mr. Blackburn.

MR. ALLEN: No, the report of the Finance Committee is first.

MR. ALLEN: The Finance Committee has examined the report of Secretary J. D. Noble and his report has been accepted and placed on file.

PRESIDENT JONES: What shall we do with the report of the committee, gentlemen?

MR. MONSON: I move you that the report of the Committee on Finance as read be adopted by this Convention.

Motion carried.

MR. ALLEN: The Committee on Resolutions reported last night and the report of the Committee on Rulings has been dispensed with. The next then is the report of the Committee on Nominations.

MR. McDONALD: Your committee beg leave to make the following unanimous report on nominations of officers for the coming year:

President—J. W. Bailey, of Oregon.

First Vice-President—Jesse K. Cope of Pennsylvania.

Second Vice-President—W. W. P. McConnell, Minnesota.

Third Vice-President—Moroni Heiner, Utah.

Secretary-Treasurer—R. M. Allen, Kentucky.

Executive Committee—Mr. Jones, Mr. Wright, Mr. Blackburn.

I wish to state that this is a very delicate matter, the selection of officers by a committee, but I can assure you that we gave this matter very serious consideration and it was the aim of the committee, as far as possible, to cover the different sections so there would be representatives from the North, South, Middle West and Northwest, as you will notice.

The selection of Mr. Bailey as president, I know, will meet with the approbation of every delegate here. The magnificent manner in which he has conducted this convention and the courtesies that have been extended to us, as well

as the entertainment, has been beyond anything any person could have had in his mind. I therefore know very well that you will all be hearty in your endorsement of the nomination of Mr. Bailey.

PRESIDENT JONES: If there are no objections to these names I should like to move the adoption of this report, and have the secretary instructed to cast the ballot for these nominations.

MR. HAMILTON: I second the motion.

Motion carried.

MR. JONES: I presume the next thing in order would be a speech from our new president.

MR. BAILEY: Mr. President and Gentlemen of the Convention: I thought I had treated you fellows pretty well out here, and I don't know what I have done to be treated this way. I thought I was doing about all I could to entertain you. This question of being president of an association like this is no small matter. It is a position any one might well aspire to and to say that I am gratified does not express my feelings; not, perhaps, so much on my own account, Mr. President and Gentlemen of this Convention, as on account of the state and this western country. I believe this is the first time in the history of this nation, I might say, that a president on this coast has been elected at the head of a national association of any kind. We have always been considered as being away off here in this neck of the woods. So I say on that account I feel gratified.

I know and realize that the responsibility of the president of this association is great. I have been able to handle the limited affairs of this little state and to do it very nicely and my energies will be devoted to making this work of this association as effective in the future as it has been in the past. But I cannot do this without having the hearty co-operation of the members of the association, and I feel and know that I will have that.

With these words, I don't know as I can say any more, except that, as I say, this is what I had not expected, and as it comes in this way I appreciate it. Thank you.

MR. ALLEN: The next committee to report is the Committee on Resolutions.

MR. BLACKBURN: The Committee on Resolutions requests that their report be deferred until a subsequent meeting, so that those desirous of being heard may speak to the committee, and the committee has an opportunity to make up its report.

MR. ALLEN: The Committee to Confer with the Association of Agricultural Chemists, Dr. Eaton of Illinois, chairman.

DR. EATON: Mr. President, I believe that the work of this committee in Washington has been well reported by the Secretary of Agricul-

ture of Pennsylvania, Prof. Hamilton, and also by Prof. Doolittle of Michigan.

PRESIDENT JONES: What do you want—the time extended?

DR. EATON: I believe there is no further report necessary than that given by Secretary Hamilton.

PRESIDENT JONES: What we want to know is—do you want the time for the work of the committee extended?

DR. EATON: The time has already been extended, I believe.

MR. HAMILTON: I want to say in explanation, that when I arose to speak I did not know that the chairman of this committee was here, or I should not have said a word. I supposed that Dr. Frear of our state was chairman. I am very sorry I said anything at all.

MR. BLACKBURN: I am disappointed in the report of that Committee on Nominations. I have got about as much cheek as any one, but I did not seek this position. I wish to explain that I was put on this committee by the other members of this committee and they forced me in there under my protest. I want to prefer a charge against Mr. McDonald on that account.

MR. McDONALD: Ladies and Gentlemen: As I told Mr. Blackburn, I would like to state that the Executive Committee have been selected close together so that they can do good work, and as Mr. Blackburn has been doing such excellent work it was the desire of the other members that he be retained against his wishes. I hope Mr. Blackburn will accept the apology.

PRESIDENT JONES: On behalf of the association I will say that we understand that Mr. Blackburn is ready to do his work any time it comes up: and I am glad to say that as a member of the committee there is no one can do it better than he can: and when we have a servant who can do our work and do it well, I believe in retaining him.

MR. BLACKBURN: I have here the proposition of Mr. H. B. Mevers in regard to the reporting and compilation of the proceedings of the Convention.

Now, this was handed to me since I came into the room to-day, and has not been before the Convention yet, but I thought it ought to be partially considered now.

If there are any changes or suggestions to be made by the members I would like for them to make them now, or to any member of the Executive Committee between this and to-morrow, as we want to submit it to this Convention for its approval.

MR. ALLEN: In order to settle this question, I move that the Executive Committee be empowered to carry out the arrangement.

MR. BLACKBURN: If Mr. Allen will allow

me, the last time this question was before the Convention they authorized the Executive Committee to make this arrangement, subject to the approval of this Convention. I think that is a wise provision, and I don't think there ought to be any changes made in it.

MR. HAMILTON: I presume this is brought up here so that every man may know he is at liberty to make any suggestions he wants to. If anyone has any suggestions to make we want him to make them now or else forever after hold his peace.

MR. BLACKBURN: That is about the extent of our report on this subject, excepting that I want to say as a member of the Executive Committee, that I am very much in favor of making the same arrangement along the same lines, and believe that some member of the Executive Committee should be appointed to have supervisory power in connection with our publication so that there can be no room for criticism.

PRESIDENT JONES: Well, we will pass that matter until to-morrow.

Secretary Allen reads letters of invitation concerning places of meeting.

SECRETARY ALLEN: First of all is:—

First—Salt Lake City, Utah. (Reads).

Second—Cincinnati League, Ohio. (Reads).

Third—Cleveland. (Reads).

Fourth—Detroit. (Reads).

MR. SNOW: Mr. Chairman, I move you that the matter of a selection of a place of meeting for the next annual Convention of this Association be left to the Executive Committee, for the reason that there are several cities that want the meeting, and if we select the place (say we select the city of Minneapolis or Detroit), you will have to go there, and you will be at a disadvantage when you come to arrange your rates. Leave it to the Executive Committee to decide in favor of the city who will arrange the rates.

Therefore, I move you that we leave the selection of the place for holding our next annual meeting to the Executive Committee.

MR. SHERWOOD: I second the motion.

MR. BAILEY: Before that motion is put I want to know what time in the year we will hold that meeting? Now you know we are here a little early, so as to get the strawberries, cherries, etc. Now, maybe this committee would like to know something about what time we are to hold this meeting.

PRESIDENT JONES: I will say, as a member of the Executive Committee, that I, personally, would take into consideration both the time of year and the place of meeting. If we go South as far as Cincinnati I would want to go late in the fall or spring; that is my opinion, if it is left to the committee, but the

others are here and we have had no time to confer about the matter, but I think we should take into consideration the place selected in fixing the time of year. We would have to be governed by that somewhat, I should think.

MR. MONSON: Does not the constitution provide the time of meeting?

PRESIDENT JONES: I don't know; I would have to see the constitution before I could tell.

MR. SNOW: I think we ought to embody in that resolution the time as well as the place.

Mr. Allen reads letter from Minnesota, addressed to Mr. W. P. McConnell.

MR. MCCONNELL: I would say that St. Paul extends a very hearty, cordial invitation, and I want to assure you that if it is to the advantage of this Association to go there we would extend you a very warm welcome, and leave nothing undone to make your stay with us very comfortable. As to hotel facilities and everything of that kind, we have abundance. The place of meeting would probably be in the senate chamber of the state capitol; and as for attractions I believe, with the exception of Oregon, perhaps, there is no state that surpasses it. Further than that gentlemen we have got good neighbors up there. We have the two Dakotas west of us, that are making great records, especially along the dairy lines; we have on the south of us one of the best states in the Union, a state that has a thousand creameries and that is doing a wonderful work. I refer to Iowa, Mr. Wright's state; and on the east of us we have another great dairy state, that of Wisconsin.

We should be very glad indeed, if it was your wish, to entertain you and have you with us.

MR. HEINER: Speaking in behalf of the people of Utah, and especially the people of Salt Lake City, I wish to extend to you an invitation for this Association to meet in our state. I believe that our city (leaving Portland out) is second to no convention city in the United States. It is understood that we are going to stop there a day as we go back, but I want to tell the members and ladies of this convention that they will not see one end of the city. If they wish to see the city they must go there and stay at least one week. So far as our courtesies are concerned, I would refer you to the members of the Live Stock Commission, whose convention was held here some time ago, and some of the members of that Association, I believe, are also members of this Association. Mr. Chairman, I wish to further state that the people in the East have better opportunities to place before the people the real object of the work and the earnestness and necessity of the food and dairy work. In our state we need something to help us to get this thing before the people; and I can

conceive of no better way of doing this than having this convention meet in our state and have it published in our papers, and we would then get it before our people in that way.

I therefore extend an invitation on behalf of the people of Utah to meet in our state next year.

PRESIDENT JONES: Are there any further remarks? If not, Mr. Snow of Michigan has made a motion, which has been seconded, as I understand it, that the time and place of the next meeting shall be fixed by the Executive Committee. All in favor of that motion signify in the usual manner.

Motion carried.

MR. HEINER: Mr. President, I would like to ask one question: When will the Executive Committee report on this? It is important, if Salt Lake City expects the convention, it is necessary to know it not later than to-night or to-morrow.

PRESIDENT JONES: We can likely tell next week, when we see your convention city.

MR. WRIGHT: I think it would be wise to limit this Executive Committee as to the time when they act on this matter.

PRESIDENT JONES: I would suggest that it ought to be done in the next three or four months so that it will go in the next report. I am not chairman of that committee, but I was merely stating this as my idea, and as chairman of this Association.

If there are no other matters to come before this convention, we will take a recess until to-morrow.

FRIDAY NIGHT SESSION.

At Astoria, Oregon, July 11th, 1902.

Meeting called to order by the President.

PRESIDENT JONES: We will now hear the report of the Committee on Resolutions by the Secretary, Mr. Sherwood, if there are no objections.

MR. HAMILTON: The Committee on Resolutions had a meeting during the forenoon and prepared a partial report. We thought best to defer some portions of the report until a later meeting, but we will make a partial report to-night, and Mr. Sherwood is to make that report.

MR. SHERWOOD: There will be a later meeting of the Association, I suppose, Mr. Chairman?

PRESIDENT JONES: Yes, sir. We will now hear the report of the Committee on Resolutions, by Mr. Sherwood, if there is no objection,—or, at least, a partial report.

MR. SHERWOOD: As I understand it we are to have another one or more meetings of the Association, and there is nothing in these

resolutions that we have already decided upon that is urgent; and our resolutions need rearranging and rewriting up in shape. But there is one resolution that should, I think, be acted upon at this time and if adopted as they are now prepared, then the committee can be appointed and get to work at once.

"It has been ascertained that the constitution and by-laws of this Association have been lost or misplaced. It is recommended that a committee of five be appointed by the President to prepare a new constitution and by-laws, to report before the final adjournment of the Convention."

I think that is all we care to report at this time.

PRESIDENT JONES: You have heard the report, what will you do with the report?

MR. MONSON: Do you make this as a motion?

MR. SHERWOOD: The committee makes a motion that this resolution be adopted.

Motion seconded and carried.

MR. MONSON: Is that a committee of five to be appointed by the chair?

MR. SHERWOOD: Yes.

MR. MONSON: I offer as an amendment that the present President be made a member of that committee.

MR. ALLEN: I second the amendment.

MR. SHERWOOD: I accept the amendment.

PRESIDENT JONES: It has been moved and seconded that these resolutions as read be adopted with the amendment, which has been accepted, that the present chairman be made a member of this committee; are you ready for the question?

Motion carried.

PRESIDENT JONES: Let me see; there will be four members to appoint then; that is, four more if the chairman is one. I will appoint Mr. Sherwood, that is one; Mr. McConnell, that is another; Mr. Hamilton is the third, and the Secretary, Mr. Allen, is the fourth member of that committee.

Are there any other reports to be received this evening?

MR. HAMILTON: There is the report of the Executive Committee; is that ready?

MR. JONES: I understand Mr. Blackburn, who is chairman of the Executive Committee, is not here, and whatever report there is he has.

Is there any other business to be transacted this evening?

MR. PATTERSON: I move you we adjourn, or take a recess until the next meeting, to be at the call of the chair.

MR. SHERWOOD: Before you put that motion, I want to ask that the new committee meet here in the corner of this room to or-

ganize, and so that we can appoint a meeting.

PRESIDENT JONES: This Committee on Constitution and By-Laws then, will meet here after the meeting is adjourned and have an understanding on this matter.

I believe that a motion was made that we take a recess to meet again on the call of the chair.

MR. STOLL: I second the motion.

Motion carried and Convention adjourned to meet on call of the chair.

SATURDAY SESSION.

At Lockeley Hall, Sea Side, Oregon.

July 12th, 1902.

Convention called to order by President Jones.

PRESIDENT JONES: Gentlemen, you will come to order. This is an ideal place for a meeting; on one side the beautiful Pacific Ocean, with its magnificent beach and surf, in which many of the party have enjoyed a dip, and on the other the enchanting forests almost embracing the very ocean. No such place have I ever seen before, and the members and friends of our Association will, I am sure, always recall this lovely spot.

I believe the first report will be from the Executive Committee. Mr. Blackburn are you ready to report?

MR. BLACKBURN: Mr. President, your committee begs leave to report and recommend the adoption of the proposition of H. B. Meyers for the reporting and compilation of the report of the proceedings of the convention.

MR. ALLEN: I second the motion.

PRESIDENT JONES: You have heard the motion, are you ready for the question?

Motion carried.

MR. BLACKBURN: Now, Mr. President, I move that the report of H. B. Meyers on the Buffalo agreement be adopted as read by him.

MR. BAILEY: I second the motion.

Motion carried.

PRESIDENT JONES: We will next hear the report of the Committee on Resolutions.

MR. HAMILTON: I desire to ask of the Convention that the Committee on Resolutions be given power to draft a set of resolutions and insert the names of parties who have extended all these courtesies to us, and that these resolutions be incorporated in the proceedings of the convention, and that the Secretary be ordered to send a copy of the said resolutions to all the names mentioned therein.

REPORT OF THE COMMITTEE ON RESOLUTIONS.

Resolved, That this Association compliments Mr. H. B. Meyers upon the complete and finely prepared report of the proceedings of the Buffalo Convention, which he edited and compiled.

Resolved, That the President of this Association appoint a committee of three, to whom shall be submitted the manuscript for the annual report, and whose duty it shall be to revise the same, and who shall have authority to exclude anything that in their judgment is not proper to be made a part of the report. They shall also see that each member has an opportunity to read proof on his paper or remarks.

Resolved, That the committee of preparation of a Pure Food Law, appointed July 10th, be instructed to begin their work at once, and to take as the basis for such law the draft of a bill which has been presented to this Convention by Hon. John Hamilton; said committee to have this bill printed, and send copies of same to the several members of this Association, for suggestions, and upon receipt of these suggestions, to incorporate in the bill such of them as they may deem advisable, and then present the bill for introduction in both houses at the next session of Congress, and the Convention hereby pledges its support to said bill, and the members of the various departments agree to do all in their power to aid in its passage. It has been ascertained that the Constitution and By-laws, as adopted by this Association, have been lost or misplaced and it is recommended that a committee be appointed by the President to prepare a new Constitution and By-laws, to report before the final adjournment of the Convention, and to be adopted by this Convention, unless the original Constitution and By-laws be found.

This Association hereby expresses its gratification at the passage by Congress of the bill taxing oleomargarine ten cents per pound, and defining and fixing the status of renovated butter.

That the thanks of the Association be tendered to its Legislative Committee for their efficient services in aiding in accomplishing this result. Also to Hon. W. D. Hoard and Chas. G. Knight, officers of the National Daily Union, for their persistent and intelligent efforts for the bill, and to the Senators and Representatives who advocated and voted for its passage.

That the thanks of the Association be tendered to the retiring President and Secretary for their faithful labors in its behalf.

To the National Association of Official Agricultural Chemists for valuable assistance rendered us in our efforts to discover and establish proper standards for foods and food products and in improving and unifying food analysis, and that we earnestly solicit their continued co-operation.

That the members of the Association express their appreciation of the courtesies extended to them and their friends by the citizens of Oregon, and desire particularly to thank the ladies of the Reception Committee of the Women's Club of Portland for their polite attention to an agreeable

entertainment of the ladies who have accompanied us on this visit.

To the publishers of the Oregonian and their representatives for the full and accurate report of our meeting and the write-ups of our sojourn in the State of Oregon.

To the Hon. J. W. Bailey, Commissioner for Oregon, and to the friends who have assisted him, for the comfortable accommodations which they secured for us and for the delightful excursions and entertainment which they provided, and to the railroad and steamboat companies of Oregon who have made it possible for us to see the beautiful scenery and abundant resources of Oregon.

We wish to make especial mention of the citizens of Astoria for the bountiful salmon feast and clam bake, and to the managers of the canning factory for courtesies extended.

To Mr. and Mrs. R. Scott for the enjoyable afternoon spent at their beautiful Milwaukee farmhouse.

To the Hillsboro committee for kindly attention and for flowers and cherries.

To Professor James Whitcombe, of the Agricultural College of Corvallis, and the ladies of the college and city, for the cordial welcome they extended us, and for the magnificent lunch which we sat down to in the dining-room of the dormitory. This trip through the Willamette valley has been an eye-opener to our party, as has, in fact, been the whole state of Oregon.

To the Board of Trade of the city of Seattle, and to the Hon. E. A. McDonald, Commissioner of Washington, for the courtesy in arranging for our entertainment while in their state, and for providing an opportunity to see Seattle by trolley, and to visit the navy yards, and go aboard the battleships Oregon and Wisconsin.

To the representatives of the Oregon Short Line and of the mines and smelters for courtesies extended during our short stay in Butte.

To Hon. Moroni Heiner and Hon. Herman Harnes, Commissioner and Chemist of Utah, for arranged an exceedingly pleasant day at Salt Lake City.

To the Governor of the State of Utah and his representatives for accompanying our party about the city, and to the officials of the Mormon Church, and the organist, for the pleasure of a visit to the tabernacle, and the special recital given us on the famous organ; also for the opportunity to visit the resort of Salt Air, and bathe in the waters of Salt Lake.

To Hon. T. L. Monson, Commissioner from Colorado, and the officials and citizens of Denver, who assisted him in showing the party the beautiful city of Denver, and to the ladies who provided and served the delightful lunch during our stay there, and to the newspapers of Denver for kindly attention and extended mention.

To Hon. S. C. Bassett, Commissioner of Nebraska, for his thoughtfulness in supplying the ladies with flowers as we passed through Lincoln.

Resolved, That this Convention declares that its endorsement of any advertisements in this publication is not to be implied because of the presence of this advertisement in the report of our proceedings.

Resolved, That the thanks of the members of the Association be extended to Col. Wm. Kilpatrick, Secretary of the Railroad and Warehouse Commission of Illinois, for his attention to the detail of railroad arrangements during the trip to Portland.

PRESIDENT JONES: You have heard the report of the Chairman of the Committee, of the Committee on Resolutions, what is your pleasure?

MR. SHERWOOD: I move the adoption of the present report, and also the report of the committee, when its work shall have been finished.

Motion seconded and carried.

PRESIDENT JONES: What is the further pleasure of the Convention?

MR. BLACKBURN: Mr. President, I move that the committee having in charge the preparation of the bill for the National Pure Food Law be empowered to incorporate, and make any changes in the bill which the committee may deem expedient.

MR. ALLEN: I second the motion.

Motion carried.

MR. HAMILTON: I move that the Special Committee on National Pure Food Law be given authority to have the copies of the bill printed with a preliminary statement of the aims and objects set forth in the same.

MR. BAILEY: I second the motion.

Motion carried.

PRESIDENT JONES: I will suggest that the committee through its chairman be authorized to send copies of the bill to all the State Dairy and Food Commissioners, state chemists, and all attorneys connected with Dairy and Food Departments, and that they be invited to offer criticisms and suggestions that in any way can help in drawing an ideal Food Law; in fact, I believe it good policy to send them to the leading manufacturers of food products, and invite suggestions from them.

MR. HAMILTON: That is exactly my idea, and I make that as a motion.

MR. SNOW: I second that motion.

Motion carried.

MR. SHERWOOD: I move we now adjourn to meet Monday at Portland, where we can submit all such resolutions that are prepared.

MR. WRIGHT: I second the motion.

Motion carried.

MR. ALLEN: Before we adjourn, and that we are now all here by ourselves, I want to offer a motion that the Hon. J. W. Bailey, our new President and State Dairy and Food Commissioner of Oregon, be and is hereby extended a rising vote of thanks for the very many courtesies and happy days he has made for us.

Chorus of Voices: I second the motion.

PRESIDENT JONES: You have heard the motion of Brother Allen, and it is exceedingly gratifying for me to put the motion. All in favor of the motion will please rise.

Motion carried by everybody rising and shouting Bailey, Bailey, Hurrah for Bailey!

PRESIDENT JONES: We will now adjourn to meet Monday, subject to the call of the President.—Adjourned.

MONDAY EVENING SESSION.

At Commercial Club, Portland, Oregon,
Feb. 14th.

A banquet was tendered to the delegates and party by the Commercial Club of Portland, Oregon, which was a pronounced success and the guests expressed much regret after it was over that the time had come to leave Oregon. An elaborate spread was given, after which toasts were responded to by A. H. Jones, retiring President of the Association; J. W. Bailey, President-elect; Prof. John Hamilton, Secretary of Agriculture of Pennsylvania; Congressman Thomas H. Tongue of Portland; Hon. Benton Killen, member of the Board of Regents of the State Agricultural College at Corvallis, Oregon; Judge T. S. Hogan and R. M. Patterson of Illinois. Mr. Albert Tozier of Portland acted as Toastmaster.

Mr. Jones commenced by telling of the great development of the association. "We have been organized but five years," said he, "and we started from a very small beginning, but now there are 35 states enrolled in the work. It is a great work, and one that we should take an interest in. We want to know that the food we eat is pure and good. I really feel sorry for Missouri and the states that have not a Food Commission." He then spoke of the satisfaction with which he had seen the resources and grandeur of this state for the first time. "When Mr. Bailey wished to get the convention to meet at Portland he told us some marvelous stories," said he. "He even told us that out here they caught fish with horses, and of course we all thought that he was romancing. When, however, we had been here but a short time we had a chance to see for ourselves the fishing with horses. He also told us many other things that we did not believe that it was possible to be true, but we have been shown everything that he spoke of, and we are now willing to admit that all he said is true and that Oregon is the greatest of all the states."

President Bailey said that he was greatly relieved to see that the stain had been removed from his character, and that now that the delegates

were disposed to believe him, he would tell them that they had seen but a small part of the great State of Oregon. The wheat fields of Eastern Oregon, the sheep and cattle ranges of the southern part of the state, the mines where over \$7,000,000 are taken out of the ground annually, the large tracts of timber and many of the greatest resources are yet unknown to them.

Mr. Tongue in his address assured the delegates that he would do all in his power to secure the passage of a National food law and that he was in hearty sympathy with their work, for which he was heartily applauded. He said

"But you will have to be unceasing in your efforts to secure its passage, there are so very many matters to come up every year that you will not only have to get a majority of the House in favor of it, but will have to get them to be so enthusiastic about it that they will see that it takes the precedent of other matters and is given a hearing. Your work has a great influence upon the people, and I am in hearty sympathy with your efforts to secure better food conditions. Upon the food that a man eats depends his mental and physical development, and the work that he is able to do. A great amount of money is spent each year in studying the best methods of feeding our stock, and people who are experts in this line do not know what is the best food for the human race." He then enlarged upon the great resources of Oregon and said: "And in all of this vast expanse of country, a fair sample of which you have seen to-day, there are but 500,000 people. Less than half of the land is owned by private owners, and the rest is free to any of you for the taking, under our homestead laws. While in the Eastern States there are thousands who have not a comfortable home, out here there is land and homes for the taking."

Benton Killin spoke on behalf of the Agricultural School and said: "You have paid a visit to our college and experiment station to-day, and they speak for themselves. The main part of our efforts are in the experiment station. Here we produce knowledge and give it to the world. In the discovery of a method to make sweet ensilage we have given to the world a valuable gift. In the school we impart knowledge, but for our experiment station there is a greater work."

Professor Hamilton, Mr. Patterson and Judge Hogan each spoke of the favorable impression made upon them by their visit to Oregon, and expressed their appreciation of the treatment they had received while here. The evening's programme was cut short by the announcement that it was nearly time for the train to leave, and the delegates took a hasty departure, bidding the Portland people a last farewell and expressing many sincere regrets that the time had come to depart.

President Jones then declared the Convention adjourned *sine die* to meet in 1903 at a time and place to be decided on by the Executive Committee of the Association.

MEETING OF THE EXECUTIVE COMMITTEE, NATIONAL ASSOCIATION OF STATE DAIRY AND FOOD DEPARTMENTS.

1623-24-25-26-27 Manhattan Building,
Chicago.

The Executive Committee of the National Association of State Dairy and Food Departments met at the offices of the Illinois State

Food Commission, Chicago, Illinois, on January 11th, 1903. There was a full attendance of the committee, namely: J. W. Bailey, of Oregon, President; R. M. Allen, of Kentucky, Secretary; A. H. Jones, of Illinois; Joseph E. Blackburn, of Ohio, and H. R. Wright, of Iowa. The first business of the meeting was the time and place of holding the next convention. A number of propositions were presented from the following cities: St. Paul, Niagara Falls, Salt Lake City, Chicago, Cincinnati, Indianapolis, and Lexington, Kentucky. It was moved by Commissioner Wright, of Iowa, that the next convention be held at St. Paul, Minnesota, which, after being seconded, was carried. The next order of business was the time of holding the convention; and upon motion of Commissioner Jones that July 21st, 22nd, 23rd and 24th be the dates chosen, it was seconded by Commissioner Wright and carried. Mr. Jones explained that it was the best time of the year to hold the meeting, as during the month of July the courts were adjourned for the summer vacation.

The next business before the committee was the consideration of advancement made in connection with national food legislation. Communications were read from Prof. John Hamilton, Secretary of Agriculture of Pennsylvania and Chairman of the Legislative Committee of the National Association of State Dairy and Food Departments, that a hearing had been arranged by Senator P. J. McCumber on H. R. 3109, before the Committee on Manufactures, United States Senate, being "An Act preventing the adulteration, misbranding and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes." Upon motion of Commissioner Blackburn it was moved that the entire committee proceed to Washington, D. C., to appear before the Senate Committee on January 21st and assist Prof. Hamilton in urging upon the said Senate Committee amendments to be incorporated in H. R. 3109: and that each member of the Executive Committee be allowed their expenses to be paid from the proceeds arising from the sale of advertisements in the Report of the Sixth Annual Convention. The motion was seconded by Commissioner Wright, of Iowa, and carried.

The next business was the inspection of advertisements, proofs being submitted of all the advertisements taken, and upon motion of Commissioner Bailey it was moved that certain advertisements be accepted for insertion and others rejected: and that still others be requested to change their announcements in order

to eliminate certain objectionable features objected to by some of the States represented, and a motion to that effect was seconded and carried.

It was moved by Commissioner Allen, of Kentucky, that the paper sent to the Portland Convention by Mr. Price, of the Price Flavoring Extract Company, which had been misplaced, be inserted in the Proceedings of the Convention under its proper heading. Motion seconded by Commissioner Jones and carried.

The Secretary then suggested the advisability of communicating at an early date with the Commissioners of the various States for the preparation of papers and addresses for the Seventh Annual Convention; and that the program be prepared several months in advance of the convention. This was agreed to and the Secretary was instructed to carry this plan into effect.

Upon motion of Commissioner Wright, of Iowa, seconded by Commissioner Jones, of Illinois, the committee adjourned to meet subject to the call of the President.

BY-LAWS

OF THE

NATIONAL ASSOCIATION OF STATE DAIRY AND FOOD DEPARTMENTS.

NOTE—Ordered inserted in the proceedings by vote of the convention.

ARTICLE I.

NAME.

This Association shall be known as the National Association of State Dairy and Foods Departments. Adopted.

ARTICLE II.

OBJECT OF THE ASSOCIATION.

Section 1. The object is to promote and foster such legislation as will tend to protect public health and prevent deception in the manufacture, sale and use of dairy, food and other products intended for human consumption.

Sec. 2. To promote uniformity in legislation and rulings relative to dairy and food products.

Sec. 3. To enhance the efficiency of dairy and food laws by developing an acquaintance tending to harmonize the interests represented by those charged with the enforcement of such State laws.

ARTICLE III.

OFFICERS.

The officers shall consist of: One President, and Vice-Presidents as follows: First Vice-President, Second Vice-President, and Third Vice-President, and a Secretary, who shall also be the Treasurer; no two of whom shall reside in the same State. Adopted as corrected.

ARTICLE IV.

COMMITTEES.

The committees shall be as follows:

1. A Legislative and Executive Committee.
2. A Finance Committee.
3. A Committee on Resolutions.

Adopted.

ARTICLE V.

ELECTION OF OFFICERS.

All officers shall be elected by ballot, and shall hold office until the last session of the next annual meeting, or until their successors are duly elected. Adopted.

ARTICLE VI.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings and shall issue, or cause the Secretary to issue, all orders or notices that may be required, and shall notify or cause to be notified all members of the Association of any meeting that may be called in accordance with the rules and by-laws; and appoint such committees as may be required, whose appointment or election are not otherwise provided for. Adopted.

Sec. 2. It shall be the duty of the Vice-President, in their numerical order, to act in the capacity of President, when the President or preceding Vice-President is absent, or from any other cause fails to act, in accordance with the by-laws of the Association. Adopted.

Sec. 3. The Secretary shall keep a record of the proceedings of each meeting, and conduct such correspondence and issue such notices as may be required of him by these by-laws, or by the President or acting President of this Association, by and with the advice and consent of the Legislative and Executive Committee. He shall, at least thirty days prior to any meeting of this Association, ascertain whether the President is qualified and will be present to act as such. If the President cannot act, the Secretary shall notify Vice-Presidents in their numerical order to be present and act as President of the meeting. He shall also have charge of all funds of the Association and pay the same upon the orders of the President on bills which have been audited and allowed by the Executive Committee. Adopted.

ARTICLE VII.

LEGISLATIVE AND EXECUTIVE COMMITTEE.

The Legislative and Executive Committee shall consist of five members: The President and Secretary shall be members of this committee by virtue of their respective offices. The remaining three members shall be elected by ballot at each annual meeting and shall serve until their successors are elected. The President of the Association shall be the Chairman of the committee, and the Secretary of the As-

sociation shall be the Secretary of the committee. Meetings of this committee shall be held upon calls issued by the Chairman, at the request of a majority of the committee. Such calls shall state time, place and object of meeting, and shall give each member notice thereof at least fifteen days prior to the holding of the meeting. Adopted.

ARTICLE VIII.

COMMITTEE ON FINANCE.

The Committee on Finance shall be composed of three members to be appointed by the President-elect at each annual meeting, and shall hold office until such time as their successors are appointed. It shall be the duty of this committee to devise and recommend ways to procure funds for the use of the Association and perform such other duties as may be required of them by the Association. Adopted.

ARTICLE IX.

COMMITTEE ON RESOLUTIONS.

The Committee on Resolutions shall be composed of five members, to be appointed by the President at the first session of each annual meeting, and shall hold office during such meeting. Adopted.

ARTICLE X.

MEMBERSHIP.

Section 1. The following persons shall be members of this Association, ex-officio: (1)

State Dairy Commissioners, (2) State Dairy and Food Commissioners, (3) State Agricultural Commissioners charged by statute with the enforcement of dairy laws, (4) the Secretary of Executive Officer of the State Agricultural Board, which is charged by law with the enforcement of the dairy or food laws.

Sec. 2. The following persons shall be eligible to membership, viz.: The Deputies, Assistants, Secretaries, Inspectors and Agents, together with Attorneys, Chemists and other employees or attaches of the above named departments as may be recommended by the respective heads thereof; and in States having no such departments, a person appointed by the Governor of such State. All persons shall cease to be members of this Association when they cease to hold the position by virtue of which they are entitled to membership. Adopted as corrected.

ARTICLE XI.

VOTING.

In voting by ballot or otherwise each State shall be entitled to three votes. Those present and qualified may cast the full vote of their State.

ARTICLE XII.

AMENDMENTS.

These By-Laws may be amended at any regular meeting by a two-thirds vote of the States represented.

NOTE—The Committee on Permanent Organization and By-Laws submitted the above By-Laws to the First Annual Convention of the National Association of State Dairy and Food Departments at Detroit, Michigan, August 25, 26 and 27, 1897, and after discussion and amendments the above were adopted, section by

section, article by article, as the Association By-Laws. The committee was composed of H. B. Cannon of Colorado, Geo. L. Flanders of New York, Eliot O. Grosvenor of Michigan, J. B. Noble of Connecticut, W. K. Boardman of Iowa, and J. E. Blackburn of Ohio.

Next Convention, St. Paul, Minn., July 21-22-23-24, 1903.



WHITE STAR COFFEES

Have a quality that will allow them to stand as severe a test in brewing, as any critical coffee drinker will care to make. For this reason, they have among the best class of buyers, an enviable reputation for excellence.

When a merchant can tell his customer that he has the White Star's, he convinces that customer, he is the proper party from whom to buy coffees:

The energetic way in which we sustain the White Star reputation, helps the merchant to make sales--this helps him to earn profits--and makes his business satisfactory.

These coffees are always sold from the store of the principal grocer in each city.

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